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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

विधि एवं न्याय मंत्रालय

(विधायी विभाग)

नई दिल्ली, 9 फरवरी 2010

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 9th February, 2010

का.आ. 698.—सूचना का अधिकार अधिनियम, 2005 (2005 का 22) की धारा 19 की उप-धारा (1) के अनुसरण तथा भारत सरकार, विधि एवं न्याय मंत्रालय (विधायी विभाग) की दिनांक 27 अक्टूबर, 2006 की अधिसूचना सं. का.आ. 1943(अ) के अधिक्रमण में उक्त अधिनियम की धारा 2 के खंड (एच) में निहितार्थ अनुसार विधायी विभाग, एक लोक प्राधिकरण होने के नाते एतद्वारा, उक्त विभाग के संयुक्त सचिव एवं विधायी परामर्शी श्री एन. के. नम्पूतिरि को उक्त विभाग के लिए उक्त अधिनियम के प्रयोजनार्थ इस अधिसूचना के शासकीय राजपत्र में प्रकाशन की तारीख से अपीलीय प्राधिकारी पदनामित करता है।

[फा. सं. ए.-45011/4/2005-प्रशा.-I (वि.वि.)]

एम.आर. बीर, उप सचिव

S.O. 698.—In pursuance of sub-section (1) of section 19 of the Right to Information Act, 2005 (22 of 2005), and in supersession of the Government of India in the Ministry of Law and Justice (Legislative Department) notification number S.O. 1943(E) dated the 27th October, 2006, the Legislative Department being a Public Authority within the meaning of clause (h) of section 2 of the said Act hereby designates Shri N.K. Nampoothiry, Joint Secretary and Legislative Counsel in the said Department, as the Appellate Authority for the said Department for the purposes of the said Act with effect from the date of publication of this notification in the Official Gazette.

[F. No. A-45011/4/2005-Admn.-I (LD)]
M. R. BEERH, Dy. Secy.

गृह मंत्रालय

नई दिल्ली, 26 फरवरी 2010

का.आ. 699.—सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्र सरकार, एतद्वारा नीचे सारणी के कालम (2) में वर्णित अधिकारियों को, सरकार के राजपत्रित अधिकारियों के पद के समकक्ष होने के नाते कथित सारणी के कालम (3) में विनिर्दिष्ट क्षेत्राधिकार की स्थानीय सीमा के भीतर उक्त अधिनियम के प्रयोजनार्थ सम्पदा अधिकारी नियुक्त करती है, जो कथित अधिनियम के अन्तर्गत अथवा उसके द्वारा संपदा अधिकारी को प्रदत्त शक्तियों का प्रयोग करेगा तथा सौंपे गए कर्तव्यों का निर्वहन करेगा :—

सारणी

क्र.सं.	अधिकारी का पदनाम	लोक परिसर तथा क्षेत्राधिकार की स्थानीय सीमाएं
(1)	(2)	(3)
1.	उप महानिरीक्षक (प्रशासन), पूर्वांचल मुख्यालय, के.रि.पु.बल, शिलांग (मेघालय)	शिलांग (मेघालय) में होली ग्राउण्ड रोड, मारबियानंग, लैटूमखराह तथा न्यु लोअर कालोनी लैटूमखराह में रवि लॉज में केन्द्रीय रिजर्व पुलिस बल के भूमि परिसर तथा परिसंपत्तियां।
2.	उप महानिरीक्षक ग्रुप केंद्र, के.रि.पु.बल, गुवाहाटी (आसाम)	जपिसजिया नार्थ लखीमपुर (आसाम) तथा धेमाजी (आसाम) में केन्द्रीय रिजर्व पुलिस बल के भूमि परिसर तथा परिसंपत्तियां।
3.	उप महानिरीक्षक ग्रुप केंद्र, के.रि.पु.बल, खट्यखटी (आसाम)	तिनसुकिया (आसाम) में केन्द्रीय रिजर्व पुलिस बल के भूमि परिसर तथा परिसंपत्तियां।
4.	उप महानिरीक्षक ग्रुप केंद्र, के.रि.पु.बल, सिलचर (आसाम)	काशीपुर, सिलचर (आसाम) में केन्द्रीय रिजर्व पुलिस बल के भूमि परिसर तथा परिसंपत्तियां।
5.	उप महानिरीक्षक (प्रशासन), महानिदेशालय, के.रि.पु.बल, नई दिल्ली	दिल्ली/नई दिल्ली में सम्पदा निदेशालय द्वारा महानिदेशालय, के.रि.पु.बल के अधिकार में दिए गए जनरल पूल के आवास सहित महानिदेशालय, के.रि.पु.बल, नई दिल्ली की तरफ से अथवा द्वारा अधिगृहीत या पट्टे पर ली गई अथवा उससे संबंधित भूमि परिसर तथा परिसंपत्तियां।

[फा. सं. ए-11-18/08-09-प्रशा. 1/गृह मंत्रालय पी.एफ. III]

एच. काम सुआनथंग, अवसर सचिव

MINISTRY OF HOME AFFAIRS

New Delhi, the 26th February, 2010

S.O. 699.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of un-authorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officers mentioned in column (2) of the Table below, being the officers equivalent to the rank of Gazetted Officers of the Government, to be Estate Officers for the proposes of the said Act, who shall exercise the powers conferred and perform the duties imposed on the Estate Officer, by or under the said Act, within the local limits of the jurisdiction in respect of the public premises specified in column (3) of the said Table :—

TABLE

S. No.	Designation of the Officer	Public premises and local limits of jurisdiction
(1)	(2)	(3)
1.	Deputy Inspector General (Administration), North Eastern Headquarters, CRPF, Shilong (Meghalaya).	Premises of land and assets belonging to the Central Reserve Police Force at Holy Ground road, Marbianang, Laitumukhrah and Ravi Lodge at New Lower Colony Laitumukhrah, Shillong (Meghalaya)
2.	Deputy Inspector General Group Centre, CRPF, Guwahati (Assam).	Premises of land and assets belonging to the Central Reserve Police Force at Jappisajia, North Lakhmipur (Assam) and Dhemaji (Assam)

(1)	(2)	(3)
3.	Deputy Inspector General Group Centre, CRPF, Khatkhathi (Assam).	Premises of land and assets belonging to the Central Reserve Police Force at Tinsukia (Assam)
4.	Deputy Inspector General Group Centre, CRPF, Silchar (Assam).	Premises of land and assets belonging to the Central Reserve Police Force at Kashipur, Silchar (Assam)
5.	Deputy Inspector General (Admn.), Directorate General Office, Central Reserve Police Force, New Delhi.	Public premises belonging to or taken on lease or requisitioned by or on behalf of the Directorate General, CRPF, New Delhi including the General Pool accommodation placed at the disposal of the Directorate General, CRPF by the Directorate of Estates in Delhi/ New Delhi.

[F. No. A. II-18/08-09-Admn. /MHA-PF.III]

H. KAM SUANTHANG, Under Secy.

नई दिल्ली, 4 मार्च, 2010

का.आ. 700.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में, गृह मंत्रालय के निम्नलिखित कार्यालयों में हिन्दी का कार्यसाधक ज्ञान रखने वाले कर्मचारियों की संख्या 80% से अधिक हो जाने के फलस्वरूप उन्हें एतद्वारा अधिसूचित करती हैं :-

केन्द्रीय औद्योगिक सुरक्षा बल

1. के. औ. सु. ब. यूनिट एनएसपीसीएल भिलाई (छत्तीसगढ़)
2. के. औ. सु. ब. यूनिट डीवीसी मैथन, (बिहार)

[सं. 12017/1/2008-हिन्दी]

अवधेश कुमार मिश्र, निदेशक (राजभाषा)

New Delhi, the 4th March, 2010

S.O. 700.— In pursuance of sub-rule (4) of Rule 10 of the Official Languages (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the following offices of the Ministry of Home Affairs where the percentage of Hindi knowing staff has gone above 80% :

Central Industrial Security Force

1. CISF Unit NSPCL Bhilai (Chhatisgarh)
2. CISF Unit DVC, Methan, (Bihar)

[No. 12017/1/2008-Hindi]

AVADHESH KUMAR MISHRA, Director (OL)

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 2 मार्च, 2010

का.आ. 701.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए,

हैदराबाद के आंध्र प्रदेश उच्च न्यायालय में केस सं. आर. सी. 4 (एस)/2009-के.अ.ब्यूरो/हैदराबाद (सत्यम घोटाला मामले से संबंधित) संबंधी मामले तथा परीक्षण न्यायालय, हैदराबाद और अपीलीय/पुनरीक्षण या विधि द्वारा स्थापित अपीलीय न्यायालयों में मामले से उद्भूत अन्य मामलों का संचालन करने के लिए निम्नोक्त एडवोकेटों को विशेष लोक अभियोजक के रूप में नियुक्त करती है :-

क्र. सं.	नाम/सर्वश्री	न्यायालय का नाम
1.	टी. निरंजन रेड्डी	हैदराबाद के आंध्र प्रदेश उच्च न्यायालय के संबंध में।
2.	ई. श्रीनिवास रेड्डी	हैदराबाद में जांच न्यायालयों के संबंध में।
3.	के. सुरेन्द्र	
4.	के. वीनू माधव	

[सं. 225/3/2010-ए.वी.डी.-II]

चन्द्र प्रकाश, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 2nd March, 2010

S.O. 701.— In exercise of the powers conferred by sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints following Advocates as Special Public Prosecutor for trying the case RC. 4(S)/2009-CBI/Hyd. (relating to the Satyam Scam Case) in the Andhra Pradesh High Court at Hyderabad and trial courts at Hyderabad and appeals/revisions or other matters arising out of this case in revisional or appellate courts established by law :—

Sl. Name	Court's name
No. S/Shri	
1. T. Niranjana Reddy	For Andhra Pradesh High Court at Hyderabad

2. E. Sreenivas Reddy

3. K. Surendar For Trial Courts at
Hyderabad.

4. K. Venu Madhav

[No. 225/3/2010-AVD-II]

CHANDRA PRAKASH, Under Secy.

नई दिल्ली, 2 मार्च, 2010

का.आ. 702.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मणिपुर राज्य सरकार, गृह विभाग की अधिसूचना सं. 2/8(1)/2009-एच (सीबीआई) दिनांक 31 अक्टूबर, 2009 द्वारा प्राप्त सहमति से अधिशासी अभियंता/डीआरडीए, चुराचंदपुर के खाते से जो यूनाइटेड बैंक ऑफ इंडिया, चुराचंदपुर शाखा में था, 4.54 करोड़ रुपये की धोखाधड़ी पूर्वक निकासी के संबंध में चुराचंदपुर; मणिपुर पुलिस स्टेशन में भारतीय दण्ड संहिता, 1860 (1860 का अधिनियम सं. 45) की धारा 419, 420, 468, 471 और 120-बी के अधीन दर्ज एफआईआर सं. 55(10)09 के मामले के संबंध में और उसी संव्यवहार के अनुक्रम में किए गए संसक्त प्रयत्नों, दुष्प्रेरणों और षडयंत्रों और अथवा उन्हीं तथ्यों से उद्भूत किन्हीं अन्य अपराधों का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण मणिपुर राज्य पर करती है।

[सं. 228/58/2009-एवीडी-II]

चंद्र प्रकाश, अवर सचिव

New Delhi, the 2nd March, 2010

S.O. 702.— In exercise of the powers conferred by sub-section (1) of Section 5 with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Manipur, Home Department vide Notification No. 2/8(1)/2009-H (CBI) dated 31-10-2009, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Manipur for investigation of case FIR No. 55(10)09 under Sections 419, 420, 468, 471 and 120-B of the Indian Penal Code, 1860 (Act, No. 45 of 1860) registered at Police Station Churachandpur, Manipur relating to the fraudulent withdrawal of Rs. 4.54 crore from the account of Executive Engineer/DRDA, Churachandpur kept at the United Bank of India, Churachandpur Branch and attempts, abetments and conspiracies in relation to or in connection with the above mentioned offences and any other offence/

offences committed in the course of the same transaction or arising out of the same facts.

[No. 228/58/2009-AVD-II]

CHANDRA PRAKASH, Under Secy.

नई दिल्ली, 2 मार्च, 2010

का.आ. 703.—केन्द्रीय सरकार एतद्वारा अपराध प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, आंध्र प्रदेश उच्च न्यायालय, हैदराबाद में दिल्ली विशेष पुलिस स्थापना द्वारा अन्वेषण किए जाने वाले अभियोजन अपीलों पुनरीक्षणों या अन्य मामलों से उद्भूत मामलों के संचालन के लिए सर्वश्री के. सुरेंद्र तथा पी., केशव राव, एडवोकेटों को केन्द्रीय अन्वेषण ब्यूरो के विशेष लोक अभियोजक के रूप में नियुक्त करती है।

[सं. 225/49/2009-एवीडी-II]

चंद्र प्रकाश, अवर सचिव

New Delhi, the 2nd March, 2010

S.O. 703.—In exercise of the powers conferred by sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints S/Shri K. Surender and P. Keshava Rao, Advocates as Special Public Prosecutor of the Central Bureau of Investigation in the Andhra Pradesh High Court at Hyderabad for conducting the prosecution appeals, revisions or other matters arising out of the cases investigated by the Delhi Special Police Establishment.

[No. 225/49/2009-AVD-II]

CHANDRA PRAKASH, Under Secy.

नई दिल्ली, 4 मार्च, 2010

का.आ. 704.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, महाराष्ट्र राज्य सरकार, गृह विभाग मंत्रालय, मुम्बई की अधिसूचना सं. सीआईआई 0110/105/ सीआर-20/ पीओएल-12 दिनांक 3-2-2010 द्वारा प्राप्त सहमति से राजस्व आसूचना निदेशालय द्वारा 22-12-2009 को 18 लाख रुपये की जाली भारतीय करेंसी जप्त करने के मामले जिसे राजस्व आसूचना निदेशालय, मुम्बई जोनल यूनिट, नई मेरिन लाइन्स, मुम्बई द्वारा शिकायत संख्या डीआर/एमजेडयू/सी/आईएनवी-18/2009-2-1/12708 दिनांक दिसम्बर, 2009 के माध्यम से केन्द्रीय अन्वेषण ब्यूरो को भारतीय दण्ड संहिता के प्रावधानों के अधीन विधिक कार्रवाई उनके अवैध कार्यों और किसी अन्य सरकारी कर्मचारी अथवा व्यक्तियों के विरुद्ध शुरू करने के लिए भारतीय दण्ड संहिता, 1860 (1860 का अधिनियम सं. 45) की धारा 489-बी, 489-सी सपठित धारा 120-बी के अधीन

दण्डनीय अपराधों के संबंध में अथवा इससे संबंधित मामले के अन्वेषण के लिए भेजा गया था और उसी संव्यवहार के अनुक्रम में किए गए संसक्त प्रयत्नों, दुष्प्रेरणों और षड्यंत्रों और अथवा उन्हीं तथ्यों से उद्भूत किन्हीं अन्य अपराधों का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण महाराष्ट्र राज्य पर करती है।

[सं. 228/16/2010-एवीडी-II]

चंद्र प्रकाश, अवर सचिव

New Delhi, the 4th March, 2010

S.O. 704.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Maharashtra, Home Department Mantralaya, Mumbai, vide Notification No. CH 0110/105/CR-20/POL-12 dated 3-2-2010, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Maharashtra for investigation of case relating to seizure of Fake Indian Currency Notes of Rs. 18 Lakhs effected on 22-12-2009 by the Directorate of Revenue Intelligence and the matter was sent to Central Bureau of Investigation by Directorate of Revenue Intelligence, Mumbai, Zonal Unit, New Marine Lines, Mumbai, vide complaint F. No. DR 1/MZU/C/INV-18/2009-2-1/12708 dated December, 2009 for initiating legal action under the provisions of Indian Penal Code for their illegal acts and of any other public servant or persons, in relation to or in connection with said offences punishable under Section 489-B, 489-C read with Section 120-B of the Indian Penal Code, 1960 (Act No. 45 of 1860) and attempts, abetments and conspiracies in relation to or in connection with the above mentioned offences and any other offence/offences committed in the course of the same transaction or arising out of the same facts.

[No. 228/16/2010-AVD-II]

CHANDRA PRAKASH, Under Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

शुद्धि-पत्र

नई दिल्ली, 26 फरवरी, 2010

का.आ. 705.—इस मंत्रालय की दिनांक 15 फरवरी, 2010 की समसंख्यक असाधारण अधिसूचना का आंशिक आशोधन करते हुए क्रम संख्या 4 के सामने लिखी प्रविष्टियों को निम्नानुसार पढ़ा जाए :-

“14. डॉ. जनक राज सभरवाल नामित केन्द्र सरकार 15-02-2010”
सी-214, विकास पुरी,
दिल्ली-110018

[फा. सं. वी. 12013/2/2009-डीई]

के. वी. एस. राव, उप सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE CORRIGENDUM

New Delhi, the 26th February, 2010

S.O. 705.—In partial modification of this Ministry's Extraordinary Notification of even number dated 15th February, 2010, the entries against Sl. No. 4 may be read as under :—

“4. Dr. Janak Raj Sabharwal	Nominated	Central
C-214, Vikas Puri,		Government
Delhi-110018		15-02-2010”

[F. No. V. 12013/2/2009-DE]

K. V. S. RAO, Dy. Secy.

सूचना एवं प्रसारण मंत्रालय

नई दिल्ली, 13 जनवरी, 2010

का.आ. 706.—इस मंत्रालय की दिनांक 10-11-2009 की समसंख्यक संख्या की अधिसूचना के क्रम में तथा चलचित्र (प्रमाणन) नियम, 1983 के नियम 7 एवं 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार द्वारा श्री मो. इकबाल कुरेशी, ए-109-110, जहांगीरपुरी, दिल्ली-33 को तत्काल प्रभाव से दो वर्षों की अवधि के लिए अथवा अगले आदेश होने तक, इनमें से जो भी पहले हो, केन्द्रीय फिल्म प्रमाणन बोर्ड की दिल्ली सलाहकार पैनल का सदस्य नियुक्त किया जाता है।

[फा. सं.-809/8/2009-एफ (सी)]

अमिताभ कुमार, निदेशक (फिल्म)

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 13th January, 2010

S.O. 706.—In continuation of this Ministry's Notification of even number, dated 10-11-2009 and in exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983, the Central Government is pleased to appoint Shri Mohd. Iqbal Qureshi, A-109-110, Jahangirpuri, Delhi-33 as a member of the Delhi Advisory panel of the Central Board of Film Certification with immediate effect for a period of two years or until further orders, whichever is earlier.

[F. No. 809/8/2009-F(C)]

AMITABH KUMAR, Director (Films)

नई दिल्ली, 13 जनवरी, 2010

का.आ. 707.—इस मंत्रालय की दिनांक 10-11-2009 की समसंख्यक संख्या की अधिसूचना के क्रम में तथा चलचित्र (प्रमाणन) नियम, 1983 के नियम 7 एवं 8 के साथ पठित चलचित्र अधिनियम,

1952 (1952 का 37) की धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार द्वारा सुश्री बी. मिरिशा, आईजे 38, एमि मंजिल कॉलोनी, हैदराबाद-500082 को तत्काल प्रभाव से दो वर्षों की अवधि के लिए अथवा अगले आदेश होने तक, इनमें से जो भी पहले हो, केन्द्रीय फिल्म प्रमाणन बोर्ड की हैदराबाद सलाहकार पैनल का सदस्य नियुक्त किया जाता है।

[फा. सं. 809/3/2009-एफ (सी)]

अमिताभ कुमार, निदेशक (फिल्म)

New Delhi, the 13th January, 2010

S.O. 707.—In continuation of this Ministry's Notification of even number, dated 10-11-2009 and in exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983, the Central Government is pleased to appoint Ms. B. Sirsha, 11 38, Errum Manzil Colony, Hyderabad-500082 as a member of the Hyderabad Advisory panel of the Central Board of Film Certification with immediate effect for a period of two years or until further orders, whichever is earlier.

[F.No. 809/3/2009-F(C)]

AMITABH KUMAR, Director (Films)

नई दिल्ली, 13 जनवरी, 2010

का.आ. 708.—इस मंत्रालय की दिनांक 10-11-2009 की समसंख्यक संख्या की अधिसूचना के क्रम में तथा चलचित्र (प्रमाणन) नियम, 1983 के नियम 7 एवं 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार द्वारा सुश्री शरदा नायक, विवेक अपार्टमेंट सं. 70/1, वाणी विलास (एन) रोड (टीन स्कूल के सामने), बासवानागुडी, बेंगलूर-560004 को तत्काल प्रभाव से दो वर्षों की अवधि के लिए अथवा अगले आदेश होने तक, इनमें से जो भी पहले हो, केन्द्रीय फिल्म प्रमाणन बोर्ड की बेंगलूर सलाहकार पैनल का सदस्य नियुक्त किया जाता है।

[फा. सं. 809/5/2009-एफ (सी)]

अमिताभ कुमार, निदेशक (फिल्म)

New Delhi, the 13th January, 2010

S.O. 708.—In continuation of this Ministry's Notification of even number, dated 10-11-2009 and in exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983, the Central Government is pleased to appoint Ms. Sharada Naik, Vivek Apartment No. 70/1, Vani Vilas (N) Road (Opposite Tin School), Basavanagudi, Bangalore-560004 as a member of the Bangalore Advisory panel of the Central Board of Film Certification with immediate effect for a period of two years or until further orders, whichever is earlier.

[F.No. 809/5/2009-F(C)]

AMITABH KUMAR, Director (Films)

नई दिल्ली, 13 जनवरी, 2010

का.आ. 709.—इस मंत्रालय की दिनांक 10-11-2009 की समसंख्यक संख्या की अधिसूचना के क्रम में तथा चलचित्र (प्रमाणन) नियम, 1983 के नियम 7 एवं 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार द्वारा डॉ. शशि राजपूत को तत्काल प्रभाव से दो वर्षों की अवधि के लिए अथवा अगले आदेश होने तक, इनमें से जो भी पहले हो, केन्द्रीय फिल्म प्रमाणन बोर्ड की मुम्बई सलाहकार पैनल का सदस्य नियुक्त किया जाता है।

[फा. सं. 809/7/2009-एफ (सी)]

अमिताभ कुमार, निदेशक (फिल्म)

New Delhi, the 13th January, 2010

S.O. 709.—In continuation of this Ministry's Notification of even number, dated 10-11-2009 and in exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983, the Central Government is pleased to appoint Dr. Shashi Rajput as a member of the Mumbai Advisory panel of the Central Board of Film Certification with immediate effect for a period of two years or until further orders, whichever is earlier.

[F.No. 809/7/2009-F(C)]

AMITABH KUMAR, Director (Films)

नई दिल्ली, 25 फरवरी, 2010

का.आ. 710.—इस मंत्रालय की दिनांक 10-11-2009 की समसंख्यक संख्या की अधिसूचना के क्रम में तथा चलचित्र (प्रमाणन) नियम, 1983 के नियम 7 एवं 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार द्वारा श्री एम. इफ्तखार खान को तत्काल प्रभाव से केन्द्रीय फिल्म प्रमाणन बोर्ड की मुम्बई सलाहकार पैनल से हटाया जाता है।

[फा. सं. 809/7/2009-एफ (सी)]

अमिताभ कुमार, निदेशक (फिल्म)

New Delhi, the 25th February, 2010

S.O. 710.—In continuation of this Ministry's Notification of even number, dated 10-11-2009 and in exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983, the Central Government hereby removes Shri M. Ifthikhar Khan from the Mumbai Advisory panel of the Central Board of Film Certification with immediate effect.

[F.No. 809/7/2009-F(C)]

AMITABH KUMAR, Director (Films)

नई दिल्ली, 25 फरवरी, 2010

का.आ. 711.—इस मंत्रालय की दिनांक 10-11-2009 की समसंख्यक संख्या की अधिसूचना के क्रम में तथा चलचित्र (प्रमाणन) नियम, 1983 के नियम 7 एवं 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार द्वारा डॉ. कैलाश नारद को तत्काल प्रभाव से केन्द्रीय फिल्म प्रमाणन बोर्ड की दिल्ली सलाहकार पैनल से हटाया जाता है।

[फा. सं. 809/8/2009-एफ (सी)]
अमिताभ कुमार, निदेशक (फिल्म)

New Delhi, the 25th February, 2010

S.O. 711.—In continuation of this Ministry's Notification of even number, dated 10-11-2009 and in exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983, the Central Government is hereby removes Dr. Kailash Narad from the Delhi Advisory panel of the Central Board of Film Certification with immediate effect.

[F. No. 809/8/2009-F(C)]
AMITABH KUMAR, Director (Films)

नागर विमानन मंत्रालय

(ए ए आई अनुभाग)

नई दिल्ली, 3 मार्च, 2010

का.आ. 712.—भारतीय विमानपत्तन प्राधिकरण अधिनियम, 1994 (1994 का सं. 55) के अनुच्छेद-3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार, एतद्द्वारा श्री एस. रहेजा, कार्यपालक निदेशक, भा.वि.प्रा. को दिनांक 18 फरवरी, 2010 (अपराह्न) से 5 वर्ष की अवधि अथवा उनकी सेवानिवृत्ति की तारीख तक अथवा अगले आदेशों तक, जो भी पहले हो 25750-650-30950 रुपये (पूर्व संशोधित) के शङ्कूल-बी के वेतनमान में सदस्य (योजना) के रूप में नियुक्त करती है।

[सं.-एवी-24011/03/2008-एआई]
बी.एस.ए. पद्मनाभा, अवर सचिव

MINISTRY OF CIVIL AVIATION

(AAI Section)

New Delhi, the 3rd March, 2010

S.O. 712.—In exercise of the powers conferred by Section 3 of the Airport Authority of India Act, 1994 (No. 55 of 1994), the Central Government hereby appoints Shri S. Raheja, Executive Director, AAI as Member (Planning), Airport Authority of India in Schedule 'B' scale

of pay of Rs. 25750-650-30950 (pre-revised) with effect from 18th February, 2010 (AN) for a period of five years or till the date of his superannuation or until further orders, whichever is the earliest.

[No. AV. 24011/03/2008-AAI]
B.S.A. PADMANABHA, Under Secy.

मानव संसाधन विकास मंत्रालय

(उच्चतर शिक्षा विभाग)

(राजभाषा प्रभाग)

नई दिल्ली, 26 फरवरी, 2010

का.आ. 713.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम 4 के अनुसरण में, मानव संसाधन विकास मंत्रालय (उच्चतर शिक्षा विभाग) के अंतर्गत अटल बिहारी वाजपेयी-भारतीय सूचना प्रौद्योगिकी एवं प्रबंधन संस्थान, ग्वालियर, मुरैना लिंक रोड, ग्वालियर-474010 को, ऐसे कार्यालय के रूप में, जिसके 80 प्रतिशत से अधिक कर्मचारी वृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

[सं. 11011-1/2010-रा.भा.ए.]
डा. अनिता भटनागर जैन, संयुक्त सचिव

MINISTRY OF HUMAN RESOURCE
DEVELOPMENT

(Department of Higher Education)

(O. L. Division)

New Delhi, the 26th February, 2010

S.O. 713.—In pursuance of sub rule (4) of rule 10 of the Official Languages (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies Atal Bihari Vajpayee-Indian Institute of Information Technology & Management, Gwalior, Morena Link Road, Gwalior-474010 under the Ministry of Human Resource Development, (Deptt. of Higher Education) as office, whose more than 80% members of the staff have acquired working knowledge of Hindi.

[No. 11011-1/2010-O.L.U.]
DR. ANITA BHATNAGAR JAIN, Jr. Secy.

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

भारतीय मानक ब्यूरो

नई दिल्ली, 22 फरवरी, 2010

का.आ. 714.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि नीचे जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची			
क्रम संख्या	स्थापित भारतीय मानक (को) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस/आई एसओ 105-सी08:2001 वस्त्रादि-रंग के पक्केपन के परीक्षण भाग सी 08 कम ताप पर काम करने वाले उत्प्रेरक युक्त फॉम्फेट रहित संदर्भ डिटरजेंट से घर पर तथा व्यवसायिक रूप से धुलाई करने पर रंग का पक्कापन	कोई नहीं	अप्रैल, 2009
2.	आई एस 1966 (भाग 1): 2009 वस्त्रादि-वस्त्रों के प्रस्फोटन संबंधी गुणधर्म-प्रस्फोट सामर्थ्य एवं प्रस्फोटन विस्तार ज्ञात करना भाग 1 द्रवचालित विधि (दूसरा पुनरीक्षण)	आईएसओ 13938-1:1999	दिसम्बर, 2009
3.	आई एस 1966 (भाग 2): 2009 वस्त्रादि-वस्त्रों के प्रस्फोटन संबंधी गुणधर्म-प्रस्फोट सामर्थ्य एवं प्रस्फोटन विस्तार ज्ञात करना भाग 2 वायुचालित विधि (दूसरा पुनरीक्षण)	आईएसओ 13938-2:1999	दिसम्बर, 2009

इन भारतीय मानकों की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कांयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ: टीएक्सडी/जी 25]

पी. भटनागर, वैज्ञानिक 'ई' एवं प्रमुख (टीएक्सडी)

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

BUREAU OF INDIAN STANDARDS

New Delhi, the 22nd February, 2010

S.O. 714.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed has been established on the date indicated against it.

SCHEDULE

Sl. No.	No. and Year of the Indian Standards Established	No. and year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS/ISO 105-C 08 : 2001 Textiles --Tests for Colour Fastness Part C 08 Colour Fastness to Domestic and Commercial Laundering using a Non-Phosphate reference detergent incorporating a Low Temperature Bleach Activator.	NIL	April, 2009

(1)	(2)	(3)	(4)
2.	IS 1966 (Part 1): 2009 Textiles— Bursting Properties of Fabrics—Deter- mination of Bursting Strength and Bursting Distension Part 1 Hydraulic Method (Second Revision)	ISO 13938-1: 1999	December, 2009
3.	IS 1966 (Part 2): 2009 Textiles—Bursting Properties of Fabrics—Determination of Bursting Strength and Bursting Distension Part 1 Pneumatic Method (Second Revision)	ISO 13938-2: 1999	December, 2009

Henceforth, these standards will be available for sale.

Copy of these Standards are available for sale with the H.Q. at Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and its Regional Offices: at New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices at Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: TXD/G-25]

P. BHATNAGAR, Sec. 'E' & Head (Textiles)

नई दिल्ली, 24 फरवरी, 2010

का.आ. 715.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गए मानकों में संशोधन किया किए गए हैं :—

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आईएस 208 : 1996	5 नवम्बर, 2009	21-01-2010

इस संशोधनों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002 क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में विक्री हेतु उपलब्ध हैं।

[संदर्भ : सी.ई.डी. राजपत्र]

ए. के. सेनी, वैज्ञानिक 'एफ' एवं प्रमुख (सिविल इंजीनियरिंग)

New Delhi, the 24th February, 2010

S.O. 715.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No. and Year of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 208 : 1996	5, November, 2009	21-01-2010

Copy of these amendment are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: CED/Gazette]

A. K. SAINI, Scientist 'F' & Head (Civil Engg.)

नई दिल्ली, 4 मार्च, 2010

का.आ. 716.— भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या और वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारती मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आईएस/आईएसओ 5199 : 2002 (आईएस 13537 : 1993 का अतिक्रमण) उपकेंद्री पम्प के लिए तकनीकी विशिष्ट-वर्ग-II	आईएस 13537 : 1993/आईएसओ 5199 : 1986 उपकेंद्री पम्प के लिए तकनीकी विशिष्ट-वर्ग-II	31 दिसम्बर, 2009
2.	आईएस/आईएसओ 4306 : 1994 (आईएस 13473 [भाग 2] 1992 का अतिक्रमण) क्रेन—शब्दावली भाग 2 मोबाईल क्रेन	आईएस 13473[भाग 2] 1992/आईएसओ 4306-2 : 1985 क्रेन-शब्दावली भाग 2 मोबाईल क्रेन	30 अप्रैल, 2009
3.	आईएस/आईएसओ 15642 : 2003 सड़क निर्माण और रख-रखाव उपस्कर-एस्फाल्ट मिश्रण संयंत्र—पारिभाषिक शब्दावली एवं व्यवसायिक विशिष्टयें	--	31 मार्च, 2009

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002 क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : एम.ई.टी./जी-2:1]

सी. के. वेदा, वैज्ञा. 'एफ' एवं प्रमुख (यांत्रिक इंजीनियरिंग)

New Delhi, the 4th March, 2010

S.O. 716.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. and Year of the Indian Standards Established	No. and year of Indian Standardes, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS:ISO 5199 : 2002 (Superseding IS 13537 : 1993) Technical Specifications for centrifugal pumps—Class II	IS 13537 : 1993/ISO 5199 : 1986 Technical Specifications for centrifugal pumps—Class II	31 December, 2009
2.	IS:ISO 4306-2 : 1994 (Superseding IS 13473 : (Part 2) 1992) Cranes—Vocabulary Part 2 Mobile Cranes	IS 13473 (Part 2) : 1992/ISO 4306-2 : 1985 Cranes—Vocabulary Part 2 Mobile Cranes	30 April, 2009
3.	IS:ISO 15642 : 2003 Road construction and maintenance equipment—Asphalt Mixing Plants—Terminology and Commercial Specifications	—	31 March, 2009

Copy of these Standards is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: MED/G-2: 1]

C. K. VEDA, Sc. 'F' & Head (Mechanical Engineering)

नई दिल्ली, 04 मार्च, 2010

का.आ. 717.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए मानक(कों) में संशोधन किया गया किये गये हैं :

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आई एस 8808 : 1999 तेल दाब स्टोव और तेल दाब हीटर के लिए बर्नर-विशिष्ट (दूसरा पुनरीक्षण)	संशोधन नं. 3, जनवरी 2010	04 फरवरी, 2010

इस संशोधन की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुंबई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयंबटूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं ।

[संदर्भ: एमईडी/जी-2: 1]

सी. के. वेदा, वैज्ञ. 'एफ' एवं प्रमुख (यांत्रिक इंजीनियरिंग)

New Delhi, the 4th March, 2010

S.O. 717.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards, hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No. and year of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 8808 : 1999 Burners for oil pressure stoves and oil pressure heaters—Specification (Second Revision)	Amendment No. 3 January 2010	04 February, 2010

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: MED/G-2: 1]

C. K. VEDA, Sc. 'F' & Head (Mechanical Engineering)

नई दिल्ली, 4 मार्च, 2010

का.आ. 718.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में एतद्द्वारा अधिसूचित किया जाता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं, वे रद्द कर दिए गए हैं और वापस ले लिये गये हैं :-

अनुसूची

क्रम संख्या	रद्द किये गये मानक की संख्या और वर्ष	भारत के राजपत्र भाग II, खंड 3, उपखंड (ii) में का.आ. संख्या और तिथि प्रकाशित	टिप्पणी
(1)	(2)	(3)	(4)
1.	आई एस 7578 : 1975 वेज एवं स्लॉट टाइप छत वाले बोल्टों की विशिष्टि	—	अप्रचलित प्रौद्योगिकी
2.	आई एस 7586 : 1975 खदानों के लिए धर्पण टैंकों की विशिष्टि	—	अप्रचलित प्रौद्योगिकी
3.	आई एस 8266 : 1976 प्रसार खोल टाइप छत बोल्टों की विशिष्टि	—	अप्रचलित प्रौद्योगिकी
4.	आई एस 13220 : 1991 धर्पण प्राप्त-द्रवचालित सेंटिंग युक्तियां सामान्य आपेक्षाएं	—	अप्रचलित प्रौद्योगिकी
5.	आई एस 12694 : 1993 आई एस ओ 8369 : 1986 बड़े व्यास वाले इस्पात के तार रस्से (पहला पुनरीक्षण)	—	आई एस ओ मानक निरस्त हो गया है और कोई दूसरा मानक नहीं बना है
6.	आई एस 13869 : 1993 आई एस ओ 10092 : 1990 उच्च भंजन वाले इस्पात के तार रस्से-विशिष्टि	—	आई एस ओ मानक निरस्त हो गया है और कोई दूसरा मानक नहीं बना है
7.	आई एस 14728 : 1999 आई एस ओ 4867 : 1984 जहाजी कंपन के आंकड़ों की रिपोर्ट करना और उसके मापन की संहिता	—	आई एस ओ मानक निरस्त हो गया है और कोई दूसरा मानक नहीं बना है
8.	आई एस 14729 : 1999 आई एस ओ 4868 : 1984 जहाजी संरचनाओं और उपकरणों के स्थानीय कंपन आंकड़े रिपोर्ट करना और उनके मापन की संहिता	—	आई एस ओ मानक निरस्त हो गया है और कोई दूसरा मानक नहीं बना है

[संदर्भ: एम.ई.डी./जी 2:1]

सी. के. वेदा, वैज्ञानिक 'एफ' एवं प्रमुख (यांत्रिक इंजीनियरिंग)

New Delhi, the 4th March, 2010

S.O. 718.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, it is, hereby notified that the Indian Standards, particulars of which are mentioned in the Schedule give hereafter, have been cancelled and stand withdrawn .—

SCHEDULE

Sl. No.	No. and Year of the Indian Standards Cancelled	S.O. No. and Date published in the Gazette of India, Part-II, Section-3, Sub-section (ii)	Remarks
(1)	(2)	(3)	(4)
1.	IS 7578 : 1975 Specification for wedge and slot type roof bolts	—	Obsolete technology
2.	IS 7586 : 1975 Specification for friction props for mines	—	Obsolete technology
3.	IS 8266 : 1976 Specification for expansion shell type roof bolts	—	Obsolete technology

(1)	(2)	(3)	(4)
4.	IS 13220: 1991 Friction props-Hydraulic setting device-General requirements	---	Obsolete technology
5.	IS 12694: 1993/ISO 8369: 1986 Large diameter steel wire ropes (first revision)	---	ISO standard with drawn and not replaced by any other Standard
6.	IS 13869: 1993/ISO 10092: 1990 High breaking load steel wire ropes-Specification	---	ISO standard with drawn and not replaced by any other Standard
7.	IS 14728: 1990/ISO 4867: 1984 Code for the Measurement and reporting of ship board vibration data	---	ISO standard with drawn and not replaced by any other Standard
8.	IS 14729: 1999/ISO 4868: 1984 Code for the Measurement and reporting of local vibration data of ship structures and equipments	---	ISO standard with drawn and not replaced by any other Standard

[Ref: MED/G-2: 1]

C. K. VEDA, Sc. 'F' & Head (Mechanical Engineering)

कोयला मंत्रालय

नई दिल्ली, 8 मार्च, 2010

का. आ. 719.—केन्द्रीय सरकार को यह प्रतीत होता है, कि इससे उपाबद्ध अनुसूची में उल्लिखित परिक्षेत्र की भूमि में से कोयला अभिप्राप्त किए जाने की संभावना है ;

अतः अब, केन्द्रीय सरकार कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में कोयले का पूर्वोक्षण करने के अपने आशय की सूचना देती है;

इस अधिसूचना के अंतर्गत आने वाले रेखांक संख्या सी-1 (ई) III/एफआर/798--0809, तारीख 22 अगस्त, 2009 का निरीक्षण, वेस्टर्न कोलफील्ड्स लिमिटेड (राजस्व विभाग), कोल ईस्टेट, सिविल लाईन्स, नागपुर-440 001 (महाराष्ट्र) के कार्यालय में या मुख्य महाप्रबंधक (एक्सप्लोरेशन), केन्द्रीय खान योजना और डिजाइन संस्थान, गोंडवाना प्लेस, कांके रोड, रांची के कार्यालय में या कोयला नियंत्रक, I, काऊंसिल हाउस स्ट्रीट, कोलकाता के कार्यालय में या जिला कलेक्टर, नागपुर (महाराष्ट्र) के कार्यालय में किया जा सकता है।

इस अधिसूचना के अंतर्गत आने वाली भूमि में, हितवद्ध सभी व्यक्ति उक्त अधिनियम 13 की उपधारा (7) में निर्दिष्ट सभी नक्शों, चार्टों और अन्य दस्तावेजों को इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिनों के भीतर, मुख्य महाप्रबंधक वेस्टर्न कोलफील्ड्स लिमिटेड, नागपुर क्षेत्र, पोस्ट जरीपटका, तहसील नागपुर, जिला नागपुर-440 014 (महाराष्ट्र) या महाप्रबंधक (भूमि और राजस्व), वेस्टर्न कोलफील्ड्स लिमिटेड, राजस्व विभाग, कोल ईस्टेट, सिविल लाईन्स, नागपुर-440 001 (महाराष्ट्र) के कार्यालय को भेजेंगे।

अनुसूची

वाघोडा अंडरग्राउंड माईन

नागपुर क्षेत्र

जिला नागपुर (महाराष्ट्र)

[रेखांक संख्या सी-1 (ई) III/एफआर/798--0809, तारीख 22 अगस्त, 2009]

क्रम संख्या	ग्राम का नाम	पटवारी सर्कल संख्या	तहसील	जिला	क्षेत्रफल हेक्टर में	टिप्पणी
1.	सावनेर	34	सावनेर	नागपुर	58.70	भाग
कुल क्षेत्र :					58.70 हेक्टर (लगभग) या 145.05 एकड़ (लगभग)	

सीमा वर्णन :-

क-ख ग-क : रेखा ग्राम सावनेर में बिन्दु 'क' से आरंभ होती है और ग्राम सावनेर से गुजरती हुई बिन्दु 'ख' और बिन्दु 'ग' के पास से होते हुए गुजरती है और आरंभिक बिन्दु 'क' पर मिलती है।

[फा. सं.-43015/36/2009-पी.आर.आई.डब्ल्यू-1]

एम. शहाबुद्दीन, अवर सचिव

MINISTRY OF COAL

New Delhi, the 8th March, 2010

S.O. 719.—Whereas, it appears to the Central Government that Coal is likely to be obtained from the lands in the locality mentioned in the Schedule hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), hereinafter referred to as the said Act), the Central Government hereby gives notice for coal therein;

The plan bearing number C-1(E)III/FR/798-0809 dated the 22nd August, 2009 of the area covered by this notification can be inspected at the office of the Western Coalfields Limited (Revenue Department), Coal Estate, Civil Lines, Nagpur-440 001 (Maharashtra) or at the office of the Chief General Manager (Exploration Division), Central Mines Planning and Design Institute, Gondwana Place, Kanke Road, Ranchi or at the office of the Controller, I, Council House Street, Kolkata or at the office of the District Collector, Nagpur (Maharashtra).

All persons interested in the lands covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of Section 13 of the said Act to the Office of the Chief General Manager Western Coalfields Limited, Nagpur Area, Post Jaripatka, Tehsil Nagpur, district Nagpur 440 014 (Maharashtra) or General Manager (Land and Revenue) Western Coalfield Limited, Revenue Department, Coal Estate, Civil Lines, Nagpur-440 001 (Maharashtra) within ninety days from the date of publication of this notification in the Official Gazette.

SCHEDULE

WAGHODA UNDERGROUND MINE

NAGPUR AREA

DISTRICT NAGPUR (MAHARASHTRA)

[Plan number C-1(E)III/FR/798-0809 dated the 22nd August, 2009]

Sl. No.	Name of Village	Patwari Circle number	Tahsil	District	Area in Hectares	Remarks
I.	Saoner	34	Saoner	Nagpur	58.70	Part

Total: 58.70 Hectares (approximately)
or 145.05 Acres (approximately)

Boundary description :

A-B-C-A: Line starts from point 'A' in village Saoner and passes through village saoner nearby Point 'B' and Point 'C' and meets at starting Point 'A'.

[F. No. 43015/36/2009- PRIW-I]

M. SHAHABUDEEN, Under Secy.

नई दिल्ली, 8 मार्च, 2010

का. आ. 720.—केन्द्रीय सरकार को यह प्रतीत होता है, कि इससे उपाबद्ध अनुसूची में उल्लिखित परिक्षेत्र की भूमि में से कोयला अभिप्राप्त किए जाने की संभावना है ;

अतः अब, केन्द्रीय सरकार कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में कोयले का पूर्वोक्षण करने के अपने आशय की सूचना देती है;

इस अभिसूचना के अंतर्गत आने वाले रेखांक संख्या सी-1 (ई) III/एफआर/791—0609, तारीख 26 जून, 2009 का निरीक्षण, वेस्टर्न कोलफील्ड्स लिमिटेड (राजस्व विभाग), कोल ईस्टेट, सिविल लाईन्स, नागपुर 440 001 (महाराष्ट्र) के कार्यालय में या मुख्य महाप्रबंधक

(एक्सप्लोरेशन), केन्द्रीय खान योजना, और डिजाइन संसधान, गोंडवान प्लेस, कांके रोड, रांची के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कोलकाता के कार्यालय में या जिला कलेक्टर, नागपुर (महाराष्ट्र) के कार्यालय में किया जा सकता है।

इस अधिसूचना के अंतर्गत आने वाली भूमि में, हितबद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक्शों, चार्टों और अन्य दस्तावेजों को इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिनों के भीतर, मुख्य महाप्रबंधक वेस्टर्न कोलफील्ड्स लिमिटेड, नागपुर क्षेत्र, पोस्ट जरोपटका, तहसील नागपुर, जिला नागपुर-440 014, महाराष्ट्र या मुख्य खनन इंजीनियर, भूमि और राजस्व, वेस्टर्न कोलफील्ड्स लिमिटेड, (राजस्व विभाग), कोल ईस्टेट, सिविल लाईन्स, नागपुर-440 001 (महाराष्ट्र) के कार्यालय को भेजेंगे।

अनुसूची

सावनेर अंडरग्राऊंड माईन नं. 1 एक्सटेंशन

नागपुर क्षेत्र

जिला नागपुर (महाराष्ट्र)

(रेखांक संख्या सी-1 (ई) III/एफआर/791—0609, तारीख 26 जून, 2009)

क्रम संख्या	ग्राम का नाम	पटवारी सर्कल संख्या	तहसील	जिला	क्षेत्रफल हेक्टर में	टिप्पणी
1.	बोरगांव	31	कलमेश्वर	नागपुर	180.03	भाग
2.	अदासा	31	कलमेश्वर	नागपुर	129.93	भाग
3.	पटकाखेडी	33	सावनेर	नागपुर	59.72	भाग
4.	कोटोडी	30	सावनेर	नागपुर	4.32	भाग

कुल क्षेत्र : 374.00 हेक्टर (लगभग) या 924.15 एकड़ (लगभग)

सीमा वर्णन :-

क-ख : रेखा ग्राम उमरी रीठ और ग्राम बोरगांव की सम्मिलित ग्राम सीमा पर बिन्दु 'क' से आरंभ होती है और ग्राम बोरगांव से होकर जाती है इसके बाद ग्राम आंगेवाड़ा और ग्राम बोरगांव की सम्मिलित ग्राम सीमा पर बिन्दु 'ख' पर मिलती है।

ख-ग : रेखा ग्राम पटकाखेडी से होकर गुजरती है और बिन्दु 'ग' पर मिलती है।

ग-घ : रेखा ग्राम पटकाखेडी से होकर गुजरती है और ग्राम अदासा और ग्राम कोटोडी की सम्मिलित ग्राम सीमा से लगकर जाती है और बिन्दु 'घ' पर मिलती है।

घ-ङ : रेखा ग्राम कोटोडी से होकर गुजरती है और बिन्दु 'ङ' पर मिलती है।

ङ-च : रेखा ग्राम अदासा से होकर गुजरती है और ग्राम अदासा और ग्राम बोरगांव की सम्मिलित ग्राम सीमा पर बिन्दु 'च' पर मिलती है।

च-छ : रेखा ग्राम बोरगांव से होकर गुजरती है और ग्राम बोरगांव और ग्राम निलगांव की सम्मिलित ग्राम सीमा पर बिन्दु 'छ' पर मिलती है।

छ-क : रेखा ग्राम बोरगांव और ग्राम निलगांव की सम्मिलित ग्राम सीमा से लगकर गुजरती है और आरंभिक बिन्दु 'क' पर मिलती है।

[फा. सं. 43015/24/2009-पीआरआईडब्ल्यू-1]

एम. शहाबुद्दीन, अवर सचिव

New Delhi, the 8th March, 2010

S.O. 720.—Whereas, it appears to the Central Government that Coal is likely to be obtained from the lands in the locality mentioned in the Schedule hereto :

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal therein;

The plan bearing number C-1(E)III/FR/791-0609 dated the 26th June, 2009 of the area covered by this notification can be inspected in the office of the Western Coalfields Limited, Revenue Department, Coal Estate, Civil Lines, Nagpur-440001, Maharashtra or at the Office of the Chief General Manager, Exploration Division, Central Mine Planning and Design Institute, Gondwana Place, Kanke Road, Ranchi or at the Office of the Coal Controller, 1, Council House Street, Kolkata or at the office of the District Collector, Nagpur, Maharashtra.

All persons interested in the land covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of Section 13 of the said Act to the Office of the Chief General Manager, Western Coalfields Limited, Nagpur Area, Post Jaripatka, Tahsil Nagpur, District Nagpur-440014 Maharashtra or Chief Mining Engineer, Land and Revenue, Western Coalfields Limited, Revenue Department, Coal Estate, Civil Lines, Nagpur-440001, Maharashtra within ninety days from the date of publication of this notification in the Official Gazette.

SCHEDULE

SAONER UNDERGROUND MINE NO. 1 EXPANSION

NAGPUR AREA

DISTRICT NAGPUR (MAHARASHTRA)

[Plan number C-1(E)III/FR/791-0609, dated the 26th June, 2009]

Sl. No.	Name of Village	Patwari Circle number	Tahsil	District	Area in Hectares	Remarks
1.	Borgaon	31	Kalmeshwar	Nagpur	180.03	Part
2.	Adasa	31	Kalmeshwar	Nagpur	129.93	Part
3.	Patkakhedi	33	Saoner	Nagpur	59.72	Part
4.	Kotodi	30	Saoner	Nagpur	4.32	Part

Total area : 374.00 Hectares (approximately)

or

924.15 acres (approximately)

Boundary Description :

A-B : Line starts from point 'A' along with the common village boundary of villages Umri Rith and Borgaon and passes through village Borgaon then passes along with the common village boundary of villages Angewada and Borgaon and meets at Point 'B'.

B-C : Line passes through village Patkakhedi and meets at Point 'C'.

C-D : Line passes through village Patkakhedi then passes along with the common village boundary of villages Adasa and Kotodi and meets at Point 'D'.

D-E : Line passes through village Ketodi and meets at Point 'E'.

E-F : Line passes through village Adasa and meets at Point 'F' on common village boundary of villages Adasa and Borgaon.

F-G : Line passes through village Borgaon and meets at Point 'G' on common village boundary of villages Borgaon and Nilgaon.

G-A : Line passes along with the common village boundary of villages Borgaon and Nilgaon and meets at starting Point 'A'.

[F. No. 43015/24/2009-PR1W-I]

M. SHAHABUDEEN, Under Secy.

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 12 फरवरी, 2010

का.आ. 721.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स टिस्को लिमिटेड के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं.-2 धनबाद के पंचाट (संदर्भ संख्या 100/95) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-2-2010 को प्राप्त हुआ था।

[सं. एल-20012/314/94-आई.आर.(सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 12th February, 2010

S. O. 721.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 100/95) of the Central Government Industrial Tribunal/Labour Court No.-2 Dhanbad now as shown in the annexure in Industrial Dispute between the employers in relation to the management of M/s. Tisco. Ltd. and their workman, which was received by the Central Government on 12-2-2010.

[No. L-20012/314/94-IR(C-1)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2 AT DHANBAD****PRESENT**

Shri H. M. Singh, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act., 1947.

Reference No. 100 of 1995

Parties : Employers in relation to the management of West Bokaro Colliery of M/s. Tisco.Ltd. and their workman.

APPEARANCES

On behalf of the employers : Mr. D. K. Verma, Advocate.

On behalf of the workman : Mr. Samsuddin Khar the concerned Workman.

State : Jharkhand Industry : Coal.

Dated, Dhanbad, the 27th January, 2010

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/314/94-I.R.(Coal-I) dated, the 3rd August, 1995.

SCHEDULE

"Whether the action of the management of West Bokaro Colliery of Tisco. Ltd., P.O. Ghatotan, Dist. Hazaribagh in dismissing Shri Samsuddin Khan from the services of the company w.e.f. 17-11-93 is justified ? If not, to what relief the workman is entitled ?"

2. In this case a petition has been filed by the concerned workman praying therein to pass a 'No dispute' Award on the ground that he is not willing to contest the case. No objection raised on behalf of the management in view of such prayer of the concerned workman.

3. Since the concerned workman involved in the dispute is not willing to contest the case and has prayed to pass a 'No Dispute' Award, I do not find any reason to drag on the case suo moto for months together. Accordingly a 'No dispute' Award is passed in this reference presuming non-existence of any industrial dispute between the parties.

H. M. SINGH, Presiding Officer

नई दिल्ली, 15 फरवरी, 2010

का.आ. 722.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.बी. एम.बी. के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, चण्डीगढ़ के पंचाट (संदर्भ संख्या 229/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-02-2010 को प्राप्त हुआ था।

[सं. एल-23012/24/2000-आई.आर.(सी-II)]

अजय कुमार गोड़, डेस्क अधिकारी

New Delhi, the 15th February, 2010

S. O. 722.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 229/2001) of the Central Government Industrial Tribunal-cum-Labour Court No.-1 Chandigarh shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BBMB and their workman, which was received by the Central Government on 15-02-2010.

[No. L-23012/24/2000-IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVT.
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH.**

Case No.-ID No.-229/2001

Shri Sandeep S/o Shri Hans Raj, House No. 134, Sector-25, Extension, Panchkula (Haryana). Applicant

Versus

The Chairman, Bhakra Beas Management Board, Sector-19-B, Madhya Marg, Chandigarh.

Respondent

APPEARANCES

For the workman: : Shri N.K. Nagar.
For the management : Shri N.K. Zakhmi.

AWARD

Passed on :- 27-1-10

Government of India vide notification No. L-23012/24/2000-IR(C-II), dated 29-05-2001, referred the following industrial dispute under Section 10 of the Industrial Disputes Act, 1947 (the Act in short) for adjudication to this Tribunal:—

“Whether the action of the management Bhakra Beas Management Board, Chandigarh in terminating the services of Shri Sandeep S/o Shri Hans Raj. Ex-Telephone Attendant w.e.f. 28-08-1996 and subsequently not offering him employment while making regular recruitment of regular Telephone Attendants is legal and justified ? If not, to what relief he is entitled to ?”

The main controversy between the parties is whether the appointment for 89 days given by the management of BBMB to Shri Sandeep and thereafter, appointing him for 89 days on several occasions without break constitute the continuous employment ? Another consequential issue before the Tribunal is whether the appointment of the workman for 89 days where the work is continuously available amounting to the unlawful labour practices ?

It is admitted to the parties that workman Shri Sandeep Kumar was appointed by several appointment letters for 89 days each. For every appointment letter he served for 89 days and his services continued through another appointment letter. The first appointment letter was given to him in July, 1995 for 89 days. On expiry of 89 days, his services were extended by another appointment letter of 89 days and so on so forth. The last appointment letter was given to him vide Ex. W1 on 8-7-86. In this last appointment letter W1 and the second last appointment letter W5, one more condition was incorporated that workman's appointment is till the vacancies is regularly filled up or 89 days whichever is earlier. In previous appointment letter this condition, 'till the vacancy is regularly filled up' was not mentioned. The workman has challenged this condition being violative of his initial appointment letter.

Both of the parties were afforded the opportunity for adducing evidence. Evidence of the workman was recorded whereas, on behalf of the management evidence of M.M. Khan was recorded. All the documents relied upon by the parties are on record. As stated earlier, nature of

appointment duration of work and work entrusted to the workman are admitted.

I have heard learned counsel for the parties at length and perused the entire materials on record. On the initial appointment letter by the management, the workman joined the services subject to the conditions mentioned in appointment letter. The appointment letter clearly indicates the nature of the services of the workman being contractual for 89 days. It means it was a contractual appointment and was valid for 89 days only. As soon as the term of this contractual appointment was over, the services of the workman automatically terminated. No further notice order for termination of the services of the workman was required.

On such type of nature of appointment Hon'ble the Apex Court in 2006 AIR SWC 2979 Haryana State Electronics Development Corporation Ltd. Vs. Mamni has held that such type of practice is unlawful labour practice. Para no. 9 of the judgment reads as under :—

“ The respondent was appointed from time to time. Her services used to be terminated on the expiry of 89 days on regular basis. However, it is noticed that she used to be appointed after a gap of one or two days upon completion of each term. Such as action on the part of the Appellant cannot be said to be bona fide. The High Court rejected the Contention raised on behalf of the appellant herein stating.

“ It is not possible for us to accept the aforesaid plea raised at the hands of the management on account of the fact that the factual position, which has not been disputed, reveals that the respondent-workman was repeatedly engaged on 89 days basis. It is therefore, clear that the intention of the management was not to engage the respondent workman for a specified period, as alleged, but was to defeat the rights available to him under Section 25-F of the Act. The aforesaid practice at the hands of the petitioner-management to employ the workman repeatedly after a notional break, clearly falls within the ambit and scope of unfair labour practice.”

In this very judgment the application of law laid down by Hon'ble the Apex Court in Secretary, State of Karnataka and others Vs. Uma Devi and others 2006(4) SCEAL 197 has been discussed.

If the ratio of Haryana State Electronics Development Corporation Ltd. (supra) is applied in the instant case, it is evidently clear that in spite of availability of work and satisfactory working of the workman the management permitted him for 89 days only. Thus this appointment shall be treated as continuous services in spite of having the different appointment letters. If the entire period is calculated the workman has worked for more than 240 days before the date of his termination.

It is also the contention of the management that his services were terminated by paying the legal dues. This Tribunal is at liberty to see whether there was any lawful

case for termination of the services of the workman before completing his term or joining by the new incumbent. The services of the workman were terminated before completing the last term of 89 days and by that time the process of regular appointment has been initiated. The work was available and new incumbent was not available to work. Thus there was no occasion for the management to terminated the service of the workman. Accordingly, the termination of the workman was illegal. Now the question arise what should be the remedy for the workman for his illegal termination. In such situation the only remedy is the reasonable compensation. It has also been held by Hon'ble the Apex Court in Haryana State Electronics Development Corporation Ltd. (supra) . The services of the workman could not have been regularized as the process for regular appointment had been initiated. It has also been admitted that new incumbent join the services thereafter. In such a situation the compensation is the only remedy.

The compensation awarded should be based on reasonable criteria. The compensation in this case should be equal to the amount which the workman has received, if he would have been permitted to work till the date of joining by new incumbent, considering all the facts and circumstances, I am of the view that Rs. 75,000 will be a reasonable compensation to be awarded to the workman. I am sure this amount will meets the ends of justice. Accordingly, the management is directed to pay or deposited the amout of Rs. 75, 000 within one month from the date of publication of the award. It is hereby made clear that if this amount is paid within one month management will not be burdened to pay any interest. failing which workman will be entitled for an interest at the rate of 8 per cent per annum from the date of publication of the award till final payment. Let Central Government be approached for publication of award and thereafter, file be consigned to record room.

G. K. SHARMA, Presiding Officer

नई दिल्ली, 15 फरवरी, 2010

का.आ. 723.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ. सी. आई के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, चण्डीगढ़ के पंचाट (संदर्भ संख्या 127/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-02-2010 को प्राप्त हुआ था।

[सं. एल-22012/296/2001-आईआर (सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 15th February, 2010

S. O. 723.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 127/

2002) of the Central Government Industrial Tribunal/Labour Court No. 1, Chandigarh as shown in the Annexure in the Industrial Dispute between the management of Food Corporation of India and their workmen, received by the Central Government on 15-02-2010.

[No. L-22012/296/2001-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVT.
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH.**

Case I. D. No. 127/2002

The Addl. General Secretary, FCI Staff Union, House No. 3013, Sector 40-D, Chandigarh.

...Applicant

Versus

The Sr. Regional Manager, Food Corporation of India, RO Punjab Region, Sector' 34, Chandigarh.

....Respondent.

APPEARANCES

For the workman Sh. G. S. Bal, AR for the workman

For the Management Sh. Sanjiv Sharma, Advocate.

AWARD

Passed on 27-1-2010

Government of India vide Notification No. L-22012/296/2001/IR(CM-II) Dated 25-07-2002 by exercising its powers under Section 10 of the Industrial disputes Act, 1947 (hereinafter referred to as the Act), referred the following Industrial dispute for adjudication of this Tribunal :—

"Whether the action of Food Corporation of India in awarding the punishment of recovery of one year's basic pay and stoppage of two increments of pay without cumulative effect w.e.f. 1-1-96 to Sh. Varinder Kumar, TA-II is legal and justified? If not, to what relief he is entitled to?"

On perusal of materials on record, it is evident that the workman has challenged the punishment for recovery of one year's Basic Pay and stoppage of two increments of pay without cumulative effect with effect from 1-1-1996 awarded by the disciplinary authority on the grounds, that he was not afforded the proper and reasonable opportunity of being heard. The workman has contended that he was not working as In-charge responsible for checking quality of the grains during the period in question. Charge-sheet was served upon him after 8½ years and it was not possible for him after 8½ years to defend himself properly. He was

not afforded any opportunity for joint inspection of the grains, which was said to be of sub-standard quality. The grains supplied has no concern with him and without affording the proper opportunity, he was punished by the department.

The department appeared and contested the claim of the petitioner by filing written statement. It has been alleged by the department of Food Corporation of India that proper opportunity of being heard was given to the workman. He was afforded the opportunity for joint inspection, but he failed to ensure his presence for joint inspection. All possible opportunity for hearing was given to him during inquiry. The department has accepted the delay in filing the charge-sheet against the workman but no right to defend of the workman was affected.

Both of the parties were afforded the opportunity for adducing evidence. Oral evidence was recorded. Parties also preferred to file documentary evidence, which is on record.

I have heard the parties at length and perused the entire material on record.

No doubt, the workman has challenged the punishment awarded to him on so many grounds by filing the claim petition. But the main grounds, as stated earlier, are whether he was afforded the opportunity for joint inspection? Whether all possible opportunity of being heard was provided to him, and whether there is any effect of filing the charge sheet after 8 years of occurrence?

The workman has filed and relied upon two case law, which are SST 1992(1) Hans Raj Gupta Vs State of Punjab and Dalip Singh Vs Food Corporation of India. In Dalip Singh's case, Hon'ble the High Court of Punjab and Haryana has dealt with the effects and consequences of filing charge sheet abnormally delay. I have gone through the case laws preferred and filed by the workman. In nutshell, the view taken by the Hon'ble High Court is that if filing the charge-sheet abnormally, delay affects the right of the workman to defend properly "it will be fatal. Filing the charge sheet abnormally delay" law is not ipso-facto affected to resume that departmental proceedings against the workman were illegal. In such a case the workman has to prove prejudice caused to him on account of serving him the charge sheet abnormal delay.

In this case, admittedly the charge sheet was filed against the workman after 8½ years. But workman is unable to prove the prejudice caused to him on account of filing the charge-sheet after abnormal 8½ years. To prove this contention, the workman has again and again stressed that he was not afforded the opportunity for joint inspection. Documents, which were to be relied upon in defence were not available to him and proper opportunity of being heard was not given. The management has filed all the relevant documents to prove that workman was afforded opportunity for joint inspection, but he did not availed this

opportunity. Exhibit M-7 and M-8 are the documents, which clearly establish that opportunity for joint inspection was afforded to the workman. Moreover, the statement of MW-I, Shri Varinder Kumar in his cross-examination in fourth para make it clear that he has not made any complaint during the departmental enquiry regarding not providing any opportunity for joint inspection. This oral statement also proves the contents of Exhibit M-7 and M-8 regarding opportunity for joint inspection. In a very garlanding words, the workman has claimed that documents, which were the basis for his evidence were not available because of giving the charge-sheet abnormal delay of 8½ years. But there is not a single fact on record to prove what were the documents which affected the defence of workman. On perusal of entire materials on record, it is also established that all possible opportunity of being heard was given to the workman during the departmental proceedings.

In departmental proceedings it was established that on account of supplying the sub-standard grains, Food Corporation of India suffered monetary loss. That monetary loss was ordered to be recovered from the persons responsible for supplying of sub-standard grains. Workman was one of them. It is established by the management in the departmental proceedings and the proceedings before this Tribunal that workman was one of the member of the team responsible for quality control. After departmental inquiry, the workman was rightly punished. The management has also draw the attention of this Tribunal on Exhibit M-9, which are 32 instances in which the workman has been responsible in neglecting his official duties. In most of the cases, he has been punished. Two instances are of exoneration, whereas, 8 cases are still pending. It is true that just on the basis of M-9, it was not open for the disciplinary authority' and is not open for this Tribunal to decide the case, but M-9 is the document, which should be considered for considering the fact regarding sincerity of the workman for his work. He failed to prove any prejudice caused to him on account of charge-sheeted him on abnormal delay of 8½ years. Negligence in duties is continuous misconduct which never became time-barred. This Tribunal can draw inference that prejudice was caused to the workman on account of such delay on failure of workman to produce any evidence on this issue. Accordingly, as discussed earlier, no prejudice was caused. Proper opportunity of being heard in the departmental proceedings was afforded. Opportunity for joint inspection was also given, which the workman did not avail. Accordingly, there is no scope for this Tribunal to interfere in departmental proceedings and the punishment awarded to the workman. Reference is accordingly, answered. Let the file be consigned to record.

G. K. SHARMA, Presiding Officer

नई दिल्ली, 16 फरवरी, 2010

का.आ. 724.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नारदर्न रेलवे

प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट (संदर्भ संख्या 6/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16/2/2010 को प्राप्त हुआ था।

[सं. एल-41012/113/2001-आई.आर.(बी-1)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 16th February, 2010

S. O. 724.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 6/2602) of the Central Government Industrial Tribunal/Labour Court Kanpur as shown in the Annexure in the Industrial Dispute between the management of Northern Railway and their workman, received by the Central Government on 16-02-2010.

[No. L-41012/113/2001-IR(B-1)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SHRI RAM PARKASH, HJS PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, KANPUR

Industrial Dispute No. 6 of 2002

In the matter of dispute between—

Sri Dinanath Tuiwari,
Mandal Vidh Sanrakshak
Uttar Railway Karamchhari Union
119/74, Quarter No. 61,
Nasimabad, Kanpur.

And

The Divisional Railway Manager
Northern Railway,
Allahabad.

AWARD

1. Central Government vide notification no. L-41012/113/2001-IR (B-I) dated 17-1-2002, has referred the following dispute for adjudication to this Tribunal -

2. Kya Manadal Rail Prabandhak Uttar Railway, Allahabad Dwara Sri Ram Prasad Putra Sri Chhedi Lal Ko Shuntman Se Porter Ke Pad ParPadawant Kar Panch Varsho Ke Lliye Vetan Rupya 750/- Par Nirdharit Karna Nyayochit Hai? Yadi Nahi To Sambandhit Karmkar Kis Anutosh Ka Haq Dar Hai?

3. It is unnecessary to give full details of the case as after exchange of pleadings between the parties, repeated opportunities were given to the parties to adduce their respective evidence. When the case was taken up for hearing on 14-9-2005, neither the workman nor his representative attended the proceeding of the case nor adduced any evidence in support of his claim. Therefore,

the tribunal having regard to the peculiar facts and circumstances of the case, debarred the workman from evidence. On 8-12-2006, the representative for the management made an endorsement on the order sheet that since the workman was debarred from evidence management would also not lead any evidence.

4. Considering the facts and circumstances of the case tribunal has no hitch to conclude that the instant case is a case of no evidence, therefore, the claimant is not entitled for any relief pursuant to the present reference for want of proof.

5. Accordingly the reference is answered in negative against the workman and in affirmative in favour of the opposite party management.

Dated: 8/2/10 RAM PRAKASH, Presiding Officer

रोजगार एवं प्रशिक्षण महानिदेशालय

नई दिल्ली, 16 फरवरी, 2010

का.आ. 725.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम 1976 यथा संशोधित 1987 के नियम 10 के उप नियम (2) एवं (4) के अनुसरण में एतद्वारा रोजगार एवं प्रशिक्षण महानिदेशालय (श्रम और रोजगार मंत्रालय) के निम्नलिखित अधीनस्थ कार्यालयों को जिनके 80 से अधिक कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है:

(क) विकलांग व्यावसायिक पुनर्वास केन्द्र,

अभय नगर, अगरतला,

पश्चिम त्रिपुरा-799055

(ख) अनुसूचित जाति/अनुसूचित जनजाति हेतु अध्यापन सह-दर्शन केन्द्र,

टी.सी. 25/849, तैक्काड,

तिरुवनन्तपुरम-695014

(ग) विकलांग व्यावसायिक पुनर्वास केन्द्र,

नालॉचिरा, तिरुवनन्तपुरम-695015

(घ) केन्द्रीय रोजगार सेवा अनुसंधान एवं प्रशिक्षण संस्थान, सैक्टर -62, ए-49, नोएडा

[सं. डीजीईटी-11017/2/2005-हिंदी]

तरसेम लाल, उप सचिव

DIRECTORATE GENERAL OF EMPLOYMENT AND TRAINING

New Delhi, the 16th February, 2010

S. O. 725.—In pursuance of sub-rule (2) and (4) of rule 10 of the Official Languages (Use for Official Purpose of the Union) Rules, 1976 (as Amended 1987) the Central Government hereby notifies the following Subordinate Offices of the Directorate General of Employment and

Training (Ministry of Labour & Employment), more than 80% staff whereof have acquired the working knowledge of Hindi:

A. Vocational Rehabilitation Centre for Handicapped, Abhoynagar, Agartala, Tripura West-799055

B. Coaching -cum-Guidance Centre for SCs/STs, T.C.25/849, Thycaud, Thiruvananthapuram-695014

C. Vocational Rehabilitation Centre for Handicapped, Nalanchira, Thiruvananthapuram-695015

D. Central Institute of Research, Training and Employment Services,

Sector-62, A-49, Noida.

[No.DGET-11017/2005-Hindi]

TARSEM LAL, Dy. Secy.

नई दिल्ली, 18 फरवरी, 2010

का.आ. 726.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन ओवरसीज बैंक के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, इरनाकुलम, कोचिन के पंचाट (संदर्भ संख्या 32/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-2-10 को प्राप्त हुआ था।

[सं. एल-12011/49/2007-आई.आर.(बी-11)]

यू. एस. पाण्डेय, टेस्क अधिकारी

New Delhi, the 18th February, 2010

S. O. 726.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 32/2007) of the Central Government Industrial Tribunal/Labour Court Ernakulam, Cochin now as shown in the annexure in Industrial Dispute between the employers in relation to the management of Indian Overseas Bank and their workman, which was received by the Central Government on 17-2-10.

[No. L-12011/49/2007-IR(B-II)]

U. S. PANDEY, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

Present: Shri P.L. Norbert, B.A., LL.B., Presiding Officer

(Friday the 29th day of January, 2010/9th Magha, 1931)

I.D.32/2007

Union : The General Secretary,

Indian Overseas Bank Staff Union, BEFI Centre, Mele Thampanoor, Thampanoor.

Adv. Shri V.N.Sankarjee.

Management : The Chairman -cum-Managing Director, Indian Overseas Bank, Central Office, Chennai-600002.

By Adv. George Varghese.

This case coming up in Adalat on 29-1-2010, this Tribunal-cum-Labour Court on the same day passed the following :

AWARD

This is a reference made under Section 10 (1) (d) of Industrial Disputes Act questioning the action of the management in not considering the request for transfer of the workman to a convenient station.

2. When the matter came up for consideration the parties agreed to settle the matter. Hence the case was taken up in Adalat and settled, by considering the request of the workman for a convenient posting by the management.

In the result an award is passed holding that the claim in I.D. is satisfied and the dispute is finally settled in the light of the agreement signed by the parties, which will form part of the award.

The award will come into force one month after its publication in the Official Gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 29th day of January, 2010.

P. L. NORBERT, Presiding Officer

Appendix- Nil

IN THE CGIT-CUM-LABOUR COURT, ERNAKULAM

I.D.No. 32/2007

The dispute is negotiated in Adalat and settled by ordering transfer of the claimant to a convenient place. The claimant is satisfied with the action of the management and the union does not want to proceed further with the matter.

Dated this the 29th day of January, 2010.

UNION : Secretary, IOB Staff Union

Sd/-

Sd/-

Management

Counsel for Union

Sd/-

Dr. V. N. Sankarjee

Counsel for Management

Advocate for Union,

Sd/-

Mediator

नई दिल्ली, 18 फरवरी, 2010

का.आ. 727.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार रीजनल मुगा रिसर्च स्टेशन, सेंट्रल सिल्क बोर्ड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण गुवाहाटी के पंचाट (संदर्भ संख्या) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-2-2010 को प्राप्त हुआ था।

[सं. एल-42011/19/96-आईआर(डी.यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 18th February, 2010

S.O. 727.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Guwahati as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Regional Muga Research Station, Central Silk Board and their workman, which was received by the Central Government on 18-2-2010.

[No. L-42011/19/96-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

IN THE INDUSTRIAL TRIBUNAL, GUWAHATI

REF. CASE NO. 13 (C)/1997

PRESENT:—

Md. Sahadat Hussain,
Presiding Officer,
Industrial Tribunal, Guwahati

The Management of Regional Muga Research Station,
Central Silk Board, Boko, (Kamrup)

.....Management

Versus

Their 34 workers represented by General Secretary, Boko
Anchalik Muga Gaveshana Kendra Sramik Sansta, Boko,
Kamrup, Assam

.....Workmen

APPEARANCES

Ld. Advocate Mr. Binod Ch. Pathok appears for the
management and

Ld. Advocate Mr. Ashish Das Gupta appears for the
workmen.

Date of Argument : 16-12-09

Date of Award : 30-12-09

AWARD

1. This reference case was registered on the basis of notification of Government of India, Ministry of Labour (New Delhi) Memo No. L-42011/19/96-IR (DU), dated New Delhi, the 27-10-97, by which the Government of India referred the dispute between Regional Muga Research Station, Central Silk Board, Boko, (Kamrup) Assam, and its 34 workmen namely—(1) Sri. Hemanta Kr. Boro, (2) Sri. Subin Ch. Boro, (3) Sri. Probhat Basumatary, (4) Md. Malek Ali, (5) Sri. Monomohan Sarmah, (6) Sri. Gouri Kanta Rabha, (7) Sri. Subin Kr. Boro, (8) Sri. Lalmohan Mahanta, (9) Sri. Astik Kr. Boro, (10) Sri. Gokul Ch. Rabha, (11) Sri. Ranjit Kr. Boro, (12) Sri. Amar Ch. Boro, (13) Bhupen Ch. Boro, (14) Sri. Thuleswar Rabha, (15) Sri. Rogen Ch. Boro, (16) Sri. Anup Kr. Boro, (17) Sri. Kala Ram Boro, (18) Sri. Sudarsan Boro, (19) Sri. Ranjit Ch. Rabha, (20) Sri. Ranjit Ch. Boro, (21) Sri. Mahendra Boro, (22) Sri. Jatil Ch. Boro, (23) Md. Khasnur Ali, (24) Sri. Kanak Ch. Rabha, (25) Sri. Kamaleswar Marak, (26) Sri. Ananda Ch. Boro, (27) Sri. Thuleswar Rabha, (28) Sri. Pranjit Rabha, (29) Sri. Hamahan Das (30) Sri. Chandra Kanta Rabha, (31) Sri. Mahiram Boro, (32) Sri. Gonesh Mandal, (33) Sri. Biren Kakati, (34) Sri. Khalilur Rahman, to this Tribunal for adjudication.

2. After registration of this reference case, this Tribunal served notice on the both sides. The connected workmen are represented by the Secretary of Boko Ancholik Muga Gaveshana Kendra Sramik Sansta. Both sides filed their respective written statements and additional written statements. In this case, the management side examined one Mr. B. Choudhury, Mr. A. K. Dutta, as witnesses in support of their case and the union side also examined one Sri. Hemanta Kr. Boro and Sri. Monomohan Sarmah as their witnesses in initial stage in support of their case, and each sides cross-examined other side's witnesses. Both sides' also filed their documentary evidence. After completion of hearing of evidence of the both sides, my predecessor Presiding Officer Mr. Kanak Sarma on 23-6-1999 hears the argument of both sides' advocates, and passed the award on 13-7-1999. After publication of that award, the management of Regional Muga Research Station, Silk Board Boko, Challenged the award dated 13-7-1999 before the Hon'ble High Court by filing a writ petition which was registered as W. P. (C) No. 6547/1999, and Hon'ble High Court disposed of that writ petition vide its judgment dated 12-9-2002, and set aside the impugned award and remitted the case to the Tribunal for the fresh adjudication giving definite decision as to whether the intermittent disengagements of the workmen in question amount to "lay off" within the meaning of Section 2 (kkk) of the Industrial Disputes Act, 1947, and as to whether workmen can be deemed in continuous service as per explanation given in the Section 25-b (2) of the Act. After receiving the case record on remand, my predecessor Presiding Officer Mr. Haidar Ali Hazarika, again recorded

evidence of one Mr. Probodh Kr. Das as management witness and of one Sri Ranjit Kr. Boro and Md. Khushur Ali as witnesses for the workmen, and heard the argument of both sides' Ld. Advocates on 29-3-2003 and 31-3-2003 and passed the award on 9-4-2003. After publication of that award, the management of Regional Muga Research Station, Central Silk Board, Boko filed a writ petition before the Hon'ble High Court, challenging that award which was registered as writ petition W.P. (C) No. 6099/03, and Hon'ble High Court also disposed of that writ petition by delivering judgment on 19-9-06, and set aside the award dated 9-4-03, and directed to give fresh decision after deciding the issue whether the workman completed 240 days of service in preceding 12 months before raising the dispute having the point whether intermittent disengagements of the workmen are "lay off" period within the meaning of the Act, decided perusing the employees registers, relevant documents and circumstances in which the workmen had been laid off.

3. After receiving the case on remand, I have allowed both the parties to give additional evidence on the point of length of the service of the workmen, and accordingly the management side adduced additional evidence by filing affidavit of Mr. Probodh Kumar Das (MW-3) and Sri Bajendra Choudhury (MW-1), who were also cross-examined by the workmen side, but the workmen side did not give any additional evidence. Finally, I heard the argument of Ld. Advocate Mr. Binod Ch. Pathak for the management and of Ld. Advocate Mr. Ashish Dasgupta for the workmen on 1-8-09, 8-10-09 and on 16-12-09, and passed the award today as below.

4. The terms of reference as per Government notification is - "Whether the action of the management of Regional Muga Research Station, Boko in terminating the services of 34 workmen and not giving them due opportunity of re-employment is justified?

If not, what relief the workmen are entitled to?"

5. The Union side, by filing written statement, states that Boko Ancholik Muga Gaveshana Kendra Sramik Sansta is a trade union registered under Trade Union Act, 1962, having its registered office at Boko. All of its members were engaged by the Regional Muga Research Station at Boko as casual workers. Muga Research Station is functioning under administrative control of Silk Board, a statutory body under the Ministry of Textiles, Government of India, and the prime object of that Research Station is to provide research support for development of muga silk industry. The works entrusted with the workmen are permanent in nature to be carried out through out the year, and these workers are to supervise different works of muga plantation. Though, the works to be performed are permanent in nature, not a single workman was allowed to perform more than 58 days at a stretch, and after performing work for 58 days, each worker would have a technical break,

and thereafter, they are again allowed to work. The management has a set of regular workers who have been performing similar nature of job as been performed by the concerned workmen. These workmen through their union raised a demand for regularization to these workmen before conciliation officer, and the management also decided to regularize twelve out of thirty four workers, and also started the process and the Union requested the management to regularize these twelve workers on the basis of seniority and also to regularize the remaining workers. When the process of regularization was going on, all thirty four workers were laid off/terminated from their jobs, and it was done even during pendency of conciliation proceeding. The concerned workmen are entitled to absorption or re-instatement and also to be regularized.

6. By filing written statement, the management of Regional Muga Research Station, Boko states that it is an institution functioning under administrative control of Central Silk Board, a statutory body under Ministry of Textiles, Government of India, and its prime object is to provide research support for development of Muga Slik Industry, and apart from research activities also to implement some action plan time to time. The regular activities of the body are of casual nature which are maintenance of firm, roving, experimental works etc. It has a labour force comprising 26 regular time scale firm workers, but for implementation of development schemes, which are implemented for a particular period, and on the basis of seasonal requirement of labour, it has to engage casual labourers also intermittently on seasonal basis to attend sporadic duties and it has also engaged 44 casual labourers during the period w.e.f. 1992 to 1994 on purely seasonal basis to meet the additional requirement of casual workers, and that was also intimated clearly to the District Employment Exchange, Guwahati, and the list of candidates from Employment Exchange was obtained for engaging such workers on casual basis. The services of the said labourers have been laid off once when the time bound work for which they were engaged completed. The seasonal casual labourers were engaged for different periods within 59 days at a spell, and once particular work for which they had been engaged was completed their service have been laid off, and hence, the question of regularization of these seasonal labourers does not arise at all. Initially, raising of plantation/nursery for supply to the beneficiaries as envisaged in the development scheme was done at the Regional Muga Research Station, Boko which warranted engagement of additional seasonal casual labourers, but at later stage, the modalities of implementation of schemes have been changed and beneficiaries were entrusted to maintain/raise of seedlings in their own filed instead of raising plantation at Regional Muga Research Station, Boko and this change was brought about due to additional expenditure required to be made in transportation of seedlings from the Research Station, Boko to the beneficiaries' field. According to new modality the

beneficiaries are to produce seedlings in their fields and the cost of seedlings are to be paid to the beneficiaries directly for which there was no requirement for seasonal casual labourers any further, and in the result, the service of aforesaid casual labourers had been discontinued after seasonal work for which they were first engaged was completed. These seasonal casual labourers were being paid wages as per rate fixed by the Government of Assam, Labour & Employment Department vide notification No. CLS. 730/75/146, dated 16-5-1994 along with variable D.A. @ Rs. 33 per day, and Rs. 1.30 respectively and also along with medical allowance of Rs. 25 per month. These labourers have also been paid arrears on account of revised wages and variable D. A. till July, 1994 as announced by the Government of Assam from time to time. The said 44 seasonal labourers raised the dispute before the Assistant Labour Commissioner, (Central Guahati) through Boko Anchalik Muga Gaveshana Kendra Sramik Sansta, regarding reinstatement and regularization of its members in the service, but the said union was not recognized by the Central Slik Board, and as such it has no locus-standi to represent the case of these casual labourers in the conciliation proceeding. The said workers raised the dispute before the Assistant Labour Commissioner (Central Guwati) after 2 years in order to get themselves reinstated as Central Silk Board has introduced a few benefits for its casual firm labourers including their conversion as time scale firm workers with better benefits on rendering 2 years of continuous service, and on learning about such schemes, these workmen unauthorisedly raised the dispute. Some of the labourers who left the service of their own prior to the period 1989-90 have also started approaching the Central Labour Commissioner putting forth false cases in order to gain employment in the Central Silk Board, and to take advantage of the implementation of scheme providing for automatic conversion from casual firm workers to time scale workers, and for absorbing them in Group-D vacant posts although, they are not eligible for regularization as well as reinstatement. There is a ban on fresh engagement of the labourers in the Central Silk Board, and further there is no additional requirement of labourers at present in the Research Station and in view of that, Muga Research Station, Boko was justified in terminating the services of 34 workmen and was also justified in not giving them due opportunity of re-engagement.

7. By filing additional written statement on 11-8-1998, the workmen side further states that the research work in the Muga Research Station at Boko is being carried out through out the year; Muga silk which is available in Assam is a world famous silk. Muga Silk is prepared from a kind of silk worm on leaves of "Som" tree and it is produced without having any scientific research earlier and in order to develop the Muga silk, Muga Research Centre was set

up at Boko to make and intensify research on the formation of muga worm and other silk work on the leaves of various kinds of plants, and this Research Centre is engaged in plantation of various kinds of plants where muga worm can develop, and large number of workers are engaged for the purpose of plantation of such various kinds of plants and these workers used to perform different kind of jobs like cut of jungle, plants, trees, manuring, spreading of pesticides etc. and collecting silk worm from the plants and all these works are of perennial in nature, and both regular and casual labourers are engaged in these works. These casual labourers had been performing their jobs for a long span of period, and the management in order to supplement the provision of law did not allow them to work more than 59 days at a stretch, but re-employed them after giving a technical break. The research work in the said station being carried out through out the year on different kinds of plant planted in different seasons. The averment of the management that the workers entrusted with these works are of casual nature is absolutely incorrect. The Union has locus-standi to raise that industrial dispute and even unregistered trade union or a group of workers can also raise an industrial dispute. The termination of these workers is itself an industrial dispute. All the concerned workers had been continuously working for more than two years and above, and they are entitled to be regularized as per the beneficial schemes introduced by the management for purpose of regularization of casual workers working under them. The vacant substantive posts were notified in the employment exchange on 20-2-1995, but the service of these casual workers are not regularized, rather they have been removed from service. All these workers have been continuously working and also completed requisite period for their conversion as time scale employee and for regularization. There is no ban for fresh engagement of the labourers in the said research station, and the station also required additional force of labourers. Whatever, the management avers in their written statement are all false.

8. I have perused the case record as well as the evidence adduced by the parties. I have also perused the judgment of Hon'ble High Court dated 19-9-2006 in W.P. (C) No. 6099/2003, and it is found that Hon'ble High Court vide above judgment has upheld the decision of this court given in the judgment dated 9-4-2003 on the point whether the Regional Muga Research Institute, Boko is a "Industry" as defined U/s. 2 (j) of Industrial Disputes Act, 1947, which is answered by my predecessor presiding officer in affirmative way— i.e. the said institute is also an 'industry' as defined in Section 2 (j) of Industrial Disputes Act, 1947. The management side, on the other hand, has not challenged that decision of the High Court. Therefore, the decision of my predecessor in the judgment dated 9-4-2003 on that point has attained finality. So, in such situation the part argument forwarded by the Ld. Counsels of both sides on that point can not be taken

re-appreciation. So, it is clear that Regional Muga Research Centre is a "industry" as defined by Section 2 (j) of Act.

9. I have perused the argument of Ld. advocate Mr. B. C. Pathak, the counsel of the management and of Ld. advocate Mr. A. Dasgupta, the counsel of the union. The contention of the union is that Regional Muga Research Station, Boko has been implementing its scheme by engaging connected 34 workmen in addition to a set of regular workers appointed by it. and these thirty four connected workmen were casual workers.

The contention of the management side is that the management has a set of regular workers, but it had to engage casual labourers numbering about 44 temporarily during the period 1992 to 1994 on purely seasonal basis to meet the additional requirement of the casual labourers. I have, after perusing both sides pleadings found that the connected 34 workmen were first engaged as seasonal casual labourers.

The workmen side witness (WW-3) Sri. Ranjit Kumar Boro states that the management called a list of workers from the employment exchange, and the employment exchange sent a list of 44 persons including these thirty four connected workmen, and these thirty four connected workmen are - (1) Sri. Hemanta Boro, (2) Sri. Subin Boro, (3) Sri. Monmohan Sharma, (4) Md. Malek Ali, (5) Sri. Mubin Boro, (6) Sri. Gour Kanta Rabha, (7) Sri. Lal Mohan Mahanta, (8) Sri. Astik Boro, (9) Sri. Probat Basumatary, (10) Sri. Gokul Ch. Rabha, (11) Sri. Ranjit Boro, (12) Sri. Thuleswar Rabha, (13) Anup Kr. Rabha, (14) Sri Bhupen Ch Rabha, (15) Sri Rojen Ch. Boro, (16) Sri. Kala Ram Boro, (17) Sri. Sudarsan Boro, (18) Sri. Kanak Ch. Rabha, (19) Sri. Kamaleswar Marak, (20) Sri. Ananda Ram Boro, (21) Sri. Thuleswar Rabha, (22) Sri. Ganesh Ch. Mandal, (23) Sri. Pringstone J. Sangma, (24) Sri. Mohiram Boro, (25) Sri Chandra Kanta Rabha, (26) Sri. Biren Kakati, (27) Sri. Harmohan Das, (28) Sri. Khalilur Rahman, (29) Sri. Rajat Ch Boro, (30) Sri. Mohendra Boro, (31) Sri. Khusnur Ali, (32) Sri. Jatin Ch. Boro, (33) Sri. Pranjyoti Rabha and (34) Sri. Amor Ch Boro. This witness further says that Ext. F is the list of workers, which the management filed before the conciliation officer. The management side has not specifically denied that these thirty four persons were engaged as casual seasonal workers, but they, in their written statement, admits that they engaged 44 seasonal casual workers calling a list from the employment exchange. From Ext. D, it appears to me that the Director of Muga Research Station, Boko vide letter dated 29-6-1995, which was written to the Assistant Labour Commissioner (Central) admits that they engaged 44 casual labours temporarily during the period 1992 to 1994, and the connected thirty four workmen are also within that 44 casual labourers. Thus, it is crystal clear that the management has engaged 34 workmen namely— (1) Sri. Hemanta Boro, (2) Sri. Subin

Boro, (3) Sri. Monmohan Sharma, (4) Sri. Malek Ali, (5) Sri. Mubin Boro, (6) Sri. Gour Kanta Rabha, (7) Sri. Lal Mohan Mahanta, (8) Sri. Astik Boro, (9) Sri. Probat Basumatary, (10) Sri. Gokul Ch. Rabha, (11) Sri. Ranjit Kr. Boro, (12) Sri. Thuleswar Rabha, (13) Sri. Anup Kr. Rabha, (14) Sri Bhupen Ch. Rabha, (15) Sri Rojen Ch. Boro, (16) Sri. Kala Ram Boro, (17) Sri. Sudarsan Boro, (18) Sri. Kanak Ch. Rabha, (19) Sri. Kamaleswar Marak, (20) Sri. Ananda Ram Boro, (21) Sri. Tuleswar Rabha, (22) Sri. Ganesh Ch. Mandal (23) Sri. Pringstone J. Sangma, (24) Sri. Mohiram Boro, (25) Sri Chandra Kanta Rabha, (26) Sri. Biren Kakati, (27) Sri. Harmohan Das, (28) Sri. Khalilur Rahman, (29) Sri. Rajat Ch Boro, (30) Sri. Mohendra Boro, (31) Sri. Khusnur Ali, (32) Sri. Jatin Ch. Boro, (33) Sri. Pranjyoti Rabha and (34) Sri. Amor Ch Boro as casual seasonal workmen during the period 1992 to 1994, but they have not been working on continuous basis, but they were engaged intermittently as and when casual labour force is required for implementing seasonal schemes of the management.

The management side's witness also states that they engaged 44 workers including 34 workman as seasonal casual labourers intermittently within the year of 1992 to 1994. Thus, it is established that the workmen were engaged as seasonal casual labourers during 1992 to 1994.

10. Now, next question is that, how many days these 34 workmen worked as casual labours under the management within preceding 12 months of terminating them from the engagement. The Union in their written statement contends that the management allowed them to work more than 59 days at a stretch and then after, having a technical break, again re-employed them, and in the meantime, the union requested the management to regularize 12 of 34 workers on seniority basis and then regularize the remaining in phase manner, and when the process of regularization was going on all these workers were laid off/terminated from the jobs. But, the management contents that, termination of 34 workmen from service without giving them opportunity of re-engagement is a justified action on the part of the management. In evidence, the workmen side witness Sri. Ranjit Kumar Boro (WW-3) states that these 34 workmen worked under the management from 1992 to 1994 and they were given work for 59 days at a stretch and then after, they were given 2/3 days break; they used to work 240 days in each year their names were entered in the attendance registers maintained by the management. Other two workmen side witness namely— Sri Hemanta Kr. Boro (WW1) and Sri. Manmohan Sharma (WW-2) also states that the management give them work for 58 days at a stretch and thereafter, they were given a break, and then also re-employed again; and they had actually been working from May, 1992 to 1994. On that point, the management side witness Mr. B. Choudhury (MW-1) states that the connected workmen were not

employed at a time, maximum ten persons were engaged at a time, and these ten persons used to work for 52 to 55 days, and thereafter, they were not given work for next six months, but next batch was engaged, and that was they were given work but presently, as the management has no scheme to implement, the connected workmen were not given works. Secondly, Sri. A. K. Dutta (MW-2) states that 44 workmen were engaged as seasonal workers after taking an interview of the workmen but, as the modalities of the schemes have been changed by the Government, the seasonal works could not be continued. Thirdly, Sri Probodh Kumar Das (MW-3) states that the connected workmen were engaged for temporary works and when the said temporary works already been completed, they were disengaged. He also states that no retrenchment compensation was given to the connected workmen. MW-3 Sri. Probodh Kr. Das by filing affidavit as additional evidence after remand of the case from the Hon'ble High Court, states that 44 extra seasonal workers were engaged at different times from the month of May, 1992 to meet requirement of the work as and when required, and attendance of those casual workers were taken down in the attendance registers maintained by the RMRS, and Ext. 1, 2, 3, 4, 1 (A), 1 (B) & 1 (C) are said attendance registers, and these attendance registers shows that none of the connected workmen was engaged for 240 days in a calendar year or during in preceding twelve months from their disengagement. Whereas, the workmen side's witnesses states that all of 34 workmen completed 240 days works in each year preceding the termination of them from service.

11. Before going to discuss the factual thing, it is required to discuss the principle laid down by the Hon'ble Supreme Court in calculating 240 days.

Apex Court in *Ranip Nagarpalika Vs. Babuji Gabhaji Thakore and others* (2007) 13 S. C. C. 343 and some other previous judgments observes that - "To get benefit under Section 25-F of Industrial Disputes Act, a workman must have to prove that he had worked up 240 days in the year preceding his termination as envisaged by the provision of Section 25-B(2)(a)(ii) of the Act". From the decision of the Apex Court in *Ranip Nagarpalika* (Supra), it is seen that the working for 240 days in the year immediately preceding the day of termination is the main requirement, and the working in other preceding years cannot be taken into account, and 2nd thing is that it is the burden of the workman to prove that he had worked for 240 days in a year preceding the termination. The third thing cleared is that the workmen was employed for a period not less than 12 calendar months preceding the termination and during those 12 calendar months he had worked for not less than 240 days.

Apex Court, again, in *workmen of American Express International Banking Corporation Vs. Management of American Express International Banking Corporation* (1985) 11 I.L.J 539 (SC) observes that the expression "actually

worked under employer" can not mean those days only when the workman works with hammer and sickle or pen, but must necessarily comprehend all these days during which he was in the employment of the employer and for which he has been paid wages either under express or implied contract of service or by compulsion of statute, Standing orders etc. and Sundays and other holidays worked be comprehended in the works "actually worked".

Apex Court again in *Co-operative Textile Mill Limited Vs. Labour Court, U.P. Ghaziabad*, 1988 Lab. I. C. 425 (427) (All) and some other cases observes that "continuous service" has to be counted including sickness or authorized leave and accident or strike which is not illegal or a cessation of work which is not due to any fault on the part of a workman.

Our High Court also remanding the instant case opines that if the gap periods in between actual working days are actually "lay off" then those gap period must be counted to calculate out 240 working days. Therefore, in view of observation of Apex Court in cited cases and of our High Court in the judgement dated 19-9-2006 in W.P. (C) No. 6099/2003, it is incumbent upon this court to see whether gap periods in between actual working days of the concerned workmen of the instant case are actually "lay off" and if it is found that they are lay off period then said periods must be counted in calculates out 240 working days in the relevant year.

After remand of the case, the management side adduced addl. evidences by filing affidavits of two witnesses and also adduced some documentary evidence which are not objected or opposed by the workman side. So, the documentary evidence filed and enlisted along with affidavit, (Addl. evidence) can be based upon to calculate out the actual working days and gap periods of the relevant year.

12. In this case the management side has filed and exhibited certain documents when filed the affidavit of Sri. P. K. Das (MW-3) as additional evidence after remand of the case. Those documents are exhibited un-objected. From Ext. 1 to Ext.4, are the attendance registers of the connected workmen which were maintained while they were working under the management. Ext. 5 is the analytical statement of the days in which the workmen worked since 1992 to 1995. Like wise, Ext.6 (1) to Ext.6 (22) are the individual statement of working days. From all these documents it is found that—

(i) Sri Subin Ch. Boro (A) was engaged in the year 1992 for the months of May (6 days), June (28 days), July (25 days) and August (9 days) i.e. total 68 days. In 1993 for the months of February (28 days), March (30 days), November (26 days) and December (29 days) i.e. total 113 days. He was engaged in 1994 for the months of March (7 days), April (25 days), May (21.5 days), June (2 days),

July (10.5 days) and December (15.5 days) i.e. total 81.5 days and in 1995 for the months of January (31 days) and February (10.5 days) which is totaling 41.55 days only.

(ii) Sri. Lalmohan Mahanta was engaged in the year 1992 for the months of May (5.5 days), June (27.5 days) (July 27 days) and August (9 days) totaling 69 days. In 1993, he was engaged for the month of May (13 days), June (16.5 days), July (27.5 days) and August (1 day). In 1994 he was engaged for the months of June (6 days), July (24.5 days) and August (26 days) i.e. total 56.5 days. He was not engaged in 1995.

(iii) Sri. Subin Boro (B) was engaged in the year 1992 for the months of May (6 days), June (28 days), July (27 days) and August (14 days) i.e. total 75 days. In 1993, he was engaged for the months of February (26 days), March (27 days), November (21.5 days) and December (25 days) i.e. total 99.5 days. In 1994, he was engaged in February (25 days), March (28 days), August (29 days) and September (18 days) i.e. total 100 days. He was not engaged in 1995.

(iv) Md Malek Ali was engaged in 1992 for the months of May (6 days), June (28 days), July (27 days) and August (14 days) i.e. total 75 days. In 1993 he was engaged for the months of February (28 days), March (28 days), November (28 days) and December (29 days) i.e. total 113 days. In 1994, he was engaged for the months of February (27 days), March (30 days), October (30 days), November (21 days) and December (7 days) i.e. total 115 days. He was not engaged in 1995.

(v) Sri. Monmohan Sharma was engaged in the year 1992 for the months of May (5 days), June (23 days), July (17 days) and August (9 days), i.e. total 54 days. In 1993, he was engaged for the months of February (20.5 days), March (24.5 days), November (26 days) and December (29 days) i.e. total 100 days. In 1994, he was engaged for the months for July (9 days), August (19 days), September (16 days) i.e. total 44 days. He was not engaged in the year 1995.

(vi) Sri Astik Boro was engaged in the year 1992 for the months of May (6 days), June (27 days) and August (14 days) i.e. total 75 days. In 1993, he was engaged for the months of February (28 days), March (30 days), November (30 days) and December (29 days), i.e. total 117 days. In 1994, he was engaged for the months of February (27 days), March (28 days), October (24 days), November (30 days) and December (4 days) i.e. total 113 days. He was not engaged in the year 1995.

(vii) Sri. Gauri Kanta Rabha was engaged in the year 1992 for the months of May (6 days), June (23 days), July (20.5 days) and August (7 days) i.e. total 56.5 days. In 1993 he was engaged for the months of February (23.5 days), March (27.5 days), November (23 days) and December (22 days) i.e. total 96 days. In 1994, he was engaged for the

months of March (4.5 days), April (15.5 days), May (3 days) i.e. total 23 days. He was not engaged in 1995.

(viii) Sri Prabhat Basumatary was engaged in the year 1992 for the months of May (6 days), June (30 days), July (27 days) and August (12 days) i.e. total 75 days. In the year, 1993 he was engaged for the months of February (28 days), March (28.5 days), November (28 days) and December (26 days) i.e. total 110.5 days. In the year 1994, he was engaged for the months of February (24 days), March (24 days), October (28 days), November (26.5 days) and December (1.5 days) i.e. total 104 days. He was not engaged in 1995.

(ix) Sri. Gokul Chandra Rabha was engaged in the year 1992 for the months of May (6 days), June (26 days), July (21 days) and August (9 days) i.e. total 62 days. In 1993, he was engaged for the months of February (22 days) and March (24 days) i.e. total 46 days. He was not engaged in 1994 and 1995.

(x) Sri. Hemanta Boro was engaged in the year 1992 for the months of May (6 days), June (30 days), July (27 days) and August (12 days) i.e. total 75 days. In 1993 he was engaged for the months of February (28 days), March (30 days), November (30 days) and December (29 days) i.e. total 117 days. In 1994, he was engaged for the months of February (26 days), March (25 days), October (29 days) and December (28.5 days) i.e. total 108.5 days. He was not engaged in the year 1995.

(xi) Sri Amar Chandra Boro was not engaged in the year 1992. In 1993, he was engaged for the months of August (12 days), September (28.5 days) and October (13 days) i.e. total 53.5 days. In 1994, he was engaged for the months of April (13 days), May (23 days) and June (22 days) i.e. total 58 days. In 1995 he was engaged for the month of February (2 days) i.e. total 2 days.

(xii) Sri Ranjeet Kumar Boro was not engaged in the year 1992. He was engaged in the year 1993 for the months of August (13 days), September (30 days) and October (14 days) i.e. total 57 days. In 1994 he was engaged for the months of April (10 days), May (29 days) and June (19 days) i.e. total 58 days. He was not engaged in the year 1995.

(xiii) Sri Thuleswar Rabha (A) was not engaged in the year 1992. He was engaged in the year 1993 for the months of August (11.5 days), September (25.5 days) and October (12 days) i.e. total 49 days. In 1994, he was engaged for the months of April (12 days), May (28 days) and June (18 days) i.e. total 58 days. He was not engaged in the year 1995.

(xiv) Sri Anup Kumar Boro was not engaged in the year 1992. In 1993, he was engaged for the month of August (13 days), September (28 days) and October

(14 days) i.e. total 55 days. In 1994, he was engaged for the months of April (3.5 days), May (24 days) and June (23 days) i.e. total 50.5 days. In 1995, he was engaged for February (2 days) i.e. total 2 days.

(xv) Sri. Bhupen Chandra Rahba was not engaged in the year 1992. He was engaged in 1993 for the month of August (13 days), September (26.5 days) and October (14 days) i.e. 53.5 days. In 1994, he was engaged for the months of April (13 days), May (29 days) and June (14 days) i.e. total 56 days. He was not engaged for the year 1995.

(xvi) Sri. Rogen Chandra Boro was not engaged in the year 1992. In 1993 he was engaged for the month of August (11.5 days), September (26.5 days) and October (14 days) i.e. total 52 days. In 1994, he was engaged for the months of April (11 days), May (28.5 days) and June (18.5 days) i.e. total 58 days. He was not engaged in 1995.

(xvii) Sri Kalaram Boro was not engaged in the year 1992. In 1993, he was engaged for the month of August (13 days), September (30 days) and October (13 days) i.e. total 56 days. In 1994, he was engaged for the month of April (9.5 days), May 28 (days), June (20 days) i.e. total 57.5 days. In 1995 he was engaged in February (2 days) i.e. total 2 days.

(xviii) Sri Sudarshan Boro was not engaged in 1992. In 1993 he was engaged for the month of August (13 days), September (28 days) and October (14 days) i.e. total 55 days. In 1994, he was engaged for the month of April (13 days), May (20 days) and June (25 days) i.e. total 58 days. In 1995, he was not engaged.

(xix) Sri Rajat Chandra Boro was not engaged in the year 1992. In 1993 he was engaged for the month of November (7 days) and December (29 days) i.e. total 36 days. In 1994, he was engaged for the months of January (12 days), July (5 days) and August (4 days) i.e. total 21 days. He was not engaged in 1995.

(xx) Shri Mahendra Boro was not engaged in the year 1992. In 1993, he was engaged for the month of November (7 days) and December (31 days) i.e. total 38 days. In 1994, he was engaged in January (16 days), July (11 days), August (31 days), September (16 days) i.e. total 74 days. He was not engaged in 1995.

(xxi) Md. Khasnur Ali was not engaged in the year 1992. In 1993 he was engaged for the month of November (7 days) and December (31 days) i.e. total 38 days. In 1994, he was engaged for January (20 days), July (12 days), August (29 days) and September (17 days) i.e. total 78 days. He was not engaged in 1995.

(xxii) Sri Jatil Chandra Boro was not engaged in the year 1992. In 1993 he was engaged for the month of November (7 days) and December (31 days) i.e. total 38 days. In 1994, he was engaged for the months of January

(20 days), July (5 days), i.e. total 25 days. He was not engaged in 1995.

(xxiii) Sri Kanak Chandra Rabha was not engaged in the year 1992 and 1993. In 1994 he was engaged for the month of February (15 days) March (23 days), April (8.5 days), October (11 days), November (30 days) and December (16.5 days) i.e. total 104 days. He was not engaged in 1995.

(xxiv) Sri Kamaleswar Marak was not engaged in the year 1992 and 1993. In 1994 he was engaged for the month of February (17 days) March (31 days), April (11 days), October (15 days), November (30 days) and December (13 days) i.e. total 117 days. He was not engaged in 1995.

(xxv) Sri. Ananda Ram Boro was not engaged in the year 1992 and 1993. In 1994 he was engaged for the month of February (17 days) March (7.5 days), April (9 days), October (15 days), November (30 days) and December (13 days) i.e. total 91.5 days. He was not engaged in 1995.

(xxvi) Sri Thuleswar Rabha (B) was not engaged in the year 1992 and 1993. In 1994 he was engaged for the month of February (17 days). In 1994, he was engaged for the months of February (17 days), March (30.5 days), April (10 days), October (13 days), November (30 days) and December (15 days) i.e. total 115.5 days. He was not engaged in 1995.

(xxvii) Sri Pranjyoti Rabha was not engaged in the year 1992 and 1993. In 1994 he was engaged for the month of April (12.5 days), May (22 days), June (1 day) i.e. total 35.5 days. He was not engaged in 1995.

(xxviii) Sri Genesh Chandra Mandal was not engaged for the year 1992 and 1993. In 1994 he was engaged for the month of July (19.5 days) August (17.5 days) and September (16 days) i.e. total 53 days. He was not engaged in 1995.

(xxix) Sri Chandra Kanta Rabha was not engaged in the year 1992 and 1993. In 1994 he was engaged for the month of July (19 days) August (15 days) and September (21 days) i.e. total 55 days. He was not engaged in the year 1995.

(xxx) Sri. Biren Kakati was not engaged for the year 1992 and 1993. In 1994 he was engaged for the month of July (21 days) August (31 days) and September (6 days) i.e. total 58 days. In 1995 he was not engaged

(xxxii) Sri. Harmohan Das was not engaged for the year 1992 and 1993. In 1994 he was engaged for the month of July (7 days) August (28 days) i.e. total 35 days. He was not engaged in 1995.

(xxxii) Sri Pringstone J Sangma was not engaged in 1992 and 1993. In 1994 he was engaged for the months of

July (21 days) August (28 days) and September (9 days) i.e. total 58 days. He was not engaged in 1995.

(xxxiii) Md. Khalilur Rahman was not engaged for the year 1992 and 1993. In 1994 he was engaged for the months of July (21 days) August (31 days) and September (6 days) i.e. total 58 days. He was not engaged in 1995.

(xxxiv) Sri Maharam Boro was not engaged in the year 1992 and 1993. In 1994 he was engaged for the months of July (21 days) August (31 days) and September (6 days) i.e. total 58 days. He was not engaged in 1995.

From all these documents, it is crystal clear that none of the 34 connected workmen has completed 240 actual working days in any of the years from 1992 to 1994. Secondly, the workmen, in their written statements as well as in the additional written statements, do not specifically state in which year or date they had been retrenched or dismissed from service. On the other hand, the workmen side witnesses are also not specifically stating the year or date in which they were dismissed from service but WW-3 (Ranjit Kr. Boro) and WW-4 (Md. Khusnur Ali) state in evidence that the workmen had worked upto 1994 and nothing more than that. The management side's contends that they engaged 44 labourers including these 34 workmen as seasonal casual labourers intermittently during 1992 to 1994 on purely temporary basis as and when it was required and after 1994 the modality of work is changed by the Board, which is that the muga seedlings are to be produced by the beneficiaries in their own field by their own hands and for that they will be financed; and for such change service of casual labourer no longer required after 1994 and therefore, the seasonal workers were not engaged after 1994, and hence, question of terminating the workmen does not arise at all. In this factual situation it must be assumed that last day of December 1994, as the date of termination for calculating preceding twelve months. Even we suppose that the workmen were truly dismissed from service on 31st December, 1994, then also we find that none of 34 workmen completed required 240 actual working days during twelve months of 1994 or during twelve months calculating below and from any date. Hence, the plea of the workmen that they had completed 240 actual working days in each year w.e.f. 1992 to 1994 or during twelve months preceding 31-12-1999 is not established at all, but that the plea of the management that none of the workmen had completed 240 actual working days work in any year w.e.f. 1992 to 1994 is clearly established.

13. Arguing for the workmen, Ld. Advocate Mr. Dasgupta submits that the management willingly gave technical gap in between the working days of each workman, and hence these gaps or reason of work must be presumed to be "lay off" periods and hence these, "lay off" periods must be counted when we calculate 240 working days and if we do so, we will find that each of 34 workmen completed days works during twelve months immediately preceding the date of termination. Rebutting

that argument, the management side's Ld. Advocate Mr. B. C. Pathak submits that the workmen were casual seasonal workers where were engaged only in the season of providing "Som seedlings" and they were engaged only when additional labour was required, and so, question of laying off these workmen does not arise at all. So, the next question poses is whether the gap periods or the period of recession of work are "lay off" period? Before arriving that question we must see the definition of "lay off" under I.D. Act.

Section 2 (KKK) defines "lay off" :— "Lay off" means the failure, refusal or inability of an employer on account of shortage of coal, power, or raw-materials or accumulation of stocks or the broken down of machinery or natural calamity or for any other connected reasons to give employment to workmen whose name is borne on the muster rolls of his industrial establishment and who has been retrenched. From this definition of "lay off", it is clear that when any regular workmen is not given work by the employer on account of shortage of coal, power or raw-materials or the accumulation of stocks or the broken down of machinery or industrial calamity or for any other connected reasons, then this gap period is called "lay off". So, the question of lay off does not arise in case of casual employees, seasonal employees etc. Now, let us see what is the status of present workmen.

14. Ld. Counsel of the workmen Mr. Dasgupta submits that the gaps in between the working days are actual "lay off", and hence, it is to be counted. While Ld. Counsel for the management Mr. Pathak submits that the connected workmen were engaged only in the season of growing Som seedlings and hence gaps in between the working days are not "lay off" nor question of retrenchment of the workmen does arise. He also refers to certain case laws. I have perused those case laws referred by Mr. pathak and found that -

(i) In *Morinda Co-op Sugar Mills Ltd., Vs. - Ram Kishan and Others* 1996-AIR (SC) 332, Apex Court observes that -

" Respondents taken into work for the crushing sugar cane in crushing season and consequent to the closure of the season they cease to work. it is only a seasonal work, the respondents can not be said to have been retrenched in view of what stated in clause (bb) of Section (oo) of the Act".

(ii) In *Anil Bapurao Kanase Vs. Krishna Sahakari Sakhar Karkhana Ltd.* 1997-AIR (SC) 2698, Apex Court observes that—

" Termination of seasonal factory workers or closing of seasonal sugar factory not retrenchment and hence workers are not entitled to retrenchment compensation as per section 2 (oo) (bb) and section 25 F".

(iii) In *K. Damodharan Vs. All Kerala Cashewnut Factory Workers' Federation and Others* 1996 (2) LLJ 129 (Kerala), Kerala High Court observes that—

“ Annual or seasonal closer of cashewnut industry by reason of its seasonal character can not be brought under lay off ”.

In the instant case, it is found that the management had engaged the workmen temporarily for 50 to 58 days at a stretch during season of growing Som seedlings when muga silk butterflies are grown and generally, they were not given works for other months in the year and in exceptional needs they were given 10/11 days works in other months. So, it is clear that the connected workmen were seasonal workers. So, being guided by above discussed case laws and on perusal of factual situation in the present case, I hold that the gaps in - between the actual working days of the workmen that are derived in perusal of Ext. 1 to 6 cannot be held to be “lay off” periods as defined Section 2 (KKK) of I.D. Act, and hence, these gap periods can not be counted while calculating the 240 working days. So, It becomes clear that in the preceding twelve months of date of termination none of 34 workmen has completed 240 working days. Hence, they are not entitled to get benefit of Section 25 F of the Act. Second thing is that the was seen that in the above discussed cases Apex Court states that disengaging the seasonal workers on the closure of the seasonal work is not a retrenchment under the provision of Section 2 (oo) and Section 25 F of Act. So, the connected workmen can not claim benefit under Section 25-F of I.D. Act, 1947.

15. On the point of regularization and absorption of the connected workmen, the management side's Ld. Mr. Pathak submits that the connected workmen are casual labourers and hence, they are not entitled to be absorbed in regular posts or regularized against permanent posts. He also submits that the Muga Research Station, Boko, has, on direction of Central Silk Board, already changed the module of schemes and accordingly, they closed the schemes of producing Som seedlings in their own orchards and started to give financial assistance to the muga producer directly, and hence job opportunity is reduced, and in result, no casual labour can be absorbed. I have perused the Ext. 10, which is a circular issued by Dy. Director, Regional Muga Research Station, Boko. From this Circular, it is seen that the earlier schemes of producing Som seedlings was reviewed and as per new scheme of Som seedlings will be raised at beneficiaries' fields for plantation by the beneficiaries themselves during the year 1995-96, and the cost of producing the seedlings will be paid to the beneficiaries directly. Thus, it is clear that the earlier schemes i.e. the seedling will be produced in the nursery of Muga Research Station has been stopped. Thus, this factual situation shows that there is no work in the hand of Muga Research Station to give works to the connected workmen.

16. The workmen side's Ld. Advocate Mr. Dasgupta submits that these workmen are entitled to absorption in regular posts as because they are selected by management after calling their names from the Employment Exchange and also after taking interview. From the record, it is seen that the management called a list of workers from the Employment Exchange for engaging as seasonal casual labours and thereafter, interview was taken and they were given works during the season of producing Som seedlings and also occasionally on closure of that season during 1992-1994. So, these workmen were casual seasonal workers under the management. Now, question is whether casual seasonal workers are entitled to regularization against regular post or not?

The management side's Ld. Advocate Mr. Pathak submits that the casual labourers or seasonal workers are not entitled to absorption in the regular posts. In support of his argument he refers to -

(i) *State of U. P. and Others (appellants) Vs. Ajoy Kumar (Respondent)*, 1998 (i) AISLJ, 164.

(ii) *Ashwini Kumar and Others (Appellant) Vs. State of Bihar and Others (Respondents)* AIR 1997 (SC) Page 1628.

(iii) *Secretary, State of Karnataka and Others (Appellants) Vs. Uma Devi (3) and Other (Respondents)* (2006) 4 SCC Page 1.

(iv) *Huda (appellant) Vs. Jagmal Sing* (2006) 5 SCC 764.

I have perused the case laws referred by Ld. Advocate Mr. Pathak, and it is found that, in *Uma Devi (Supra)*, Apex Court observes that the temporary, contractual, casual, daily wage or adhoc employers has no right to be regularized in the regular post, and if they are appointed against the regular posts, it will violate the provision of Article-21 of Indian Constitution. In *Jagmal Sing (Supra)*, Apex Court observes that, a casual worker who had not completed 240 days service in any three years he worked with appellant as well as daily wages earner can not claim any right to the posts. In *National Fertilizers Ltd. and Others (appellants) Vs. Gombhir Sing (Respondent)* (2006) 5 SCC 493, Apex Court, reiterated the principle laid down by it in *Uma Devi (3)* (2006) 4 SCC 1, and hold that the appointment to any post in a state can only be made after a proper advertisement has been made inviting application on the legal candidate and holding of selection by a committee whose members are fair and impartial through a written examination or interview or some other rational criteria for judging the merit of the candidates and the contractual workers, casual workers can not be regularized against the regular posts. In the instant case, it is already found that all 34 workers are casual seasonal workers, and

hence, in view of observation of the Hon'ble Apex Court in the discussed cases, I hold that these 34 workmen are not entitled to absorption against regular posts nor they can claim regularisation of their service.

17. Summing up discussion above, I hold that the action of the management of Regional Muga Research Station, Boko in terminating the services of 34 workmen and not giving them the opportunity of re-employment is justified. Accordingly the term of reference is answered in affirmative.

Copies of this award be sent to the Government for publication.

Given under my hand and seal of this court on this 30th day of December, 2009, at Guwahati.

MD. SAHADAT HUSSAIN, Presiding Officer

नई दिल्ली, 19 फरवरी, 2010

का.आ. 728.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ ट्रावन्सकोर के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, एरनाकुलम के पंचाट (संदर्भ संख्या 20/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-2-2010 को प्राप्त हुआ था।

[सं. एल-12012/17/2007-आईआर(बी-1)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 19th February, 2010

S.O. 728.—In Pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.20/2007) of the Central Government Industrial Tribunal-cum-Labour Court, Ernakulam as shown in the Annexure in the Industrial Dispute between the management of State Bank of Travancore and their workmen, received by the Central Government on 19-2-2010.

[No. L-12012/17/2007-IR (B-I)]

SURENDRA SINGH, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

Present: Shri P. L. Norbert, B.A., LL.B., Presiding Officer

(Thursday the 17th day of December, 2009/26th

Agrahayana, 1931)

I. D. 20/2007

Workman :

V. Natarajan,

S/o. Shri. Velayudhan Pillai,

Deepa Bhavan, Khuzivila veedu,

Nannattukavu,

Pothencode, Trivandrum.

By Adv. Shri. P. S. Ramesh Kumar.

Management :

The Deputy General Manager,

State Bank of Travancore,

Zonal Office, Thiruvananthapuram - 695 001.

By Adv. Shri. P. Ramakrishnan.

This case coming up for hearing on 15-12-2009, this Tribunal-cum-Labour Court on 17-12-2009 passed the following.

AWARD

This is a reference made under Section 10(1)(d) of Industrial Disputes Act. The reference is:-

“Whether the action of the management of State Bank of Travancore, Trivandrum in discharging Shri. V. Natarajan, Ex-DCCP of Bakery Junction, Trivandrum branch vide order dated 15-12-2004 is proper and justified? If not, to what relief the workman is entitled to?”

2. The facts in brief are as follows:- The claimant Shri. V. Natarajan was a Peon of State Bank of Travancore, Bakery junction branch during 2003. While so, he was given a memo alleging that he had remained absent continuously without intimation during 2001, 2002 and 2003 exceeding 30 days. He was asked to report for duty within 10 days with proper leave application, medical certificates, fitness certificates etc. An enquiry was conducted and he was found guilty of the charges and was discharged from service in 2004.

3. According to the claimant he had applied for leave with medical certificates whenever he was absent. But the management had not sanctioned certain leaves. It is also contended that the claimant could not participate in the enquiry due to his sickness and his request for adjournment was not accepted by the Enquiry Officer. An ex-parte enquiry was conducted. The punishment awarded is excessive.

4. According to the management the workman had remained absent continuously on many occasions in violation of the leave rules. The unauthorised continuous absence exceeded 30 days on several occasions. He was asked to report for duty which he did not comply. An enquiry was ordered and he was asked to appear in the enquiry. But he did not turn up. Hence the enquiry officer had to proceed ex-parte. The workman was heard by the disciplinary authority before confirming the findings of Enquiry Officer and ordering punishment. Though an appeal was filed the workman did not succeed. Thereafter he filed an O.P. before the Hon'ble High Court of Kerala and the same was dismissed directing the workman to

approach Industrial Tribunal under provisions of Industrial Disputes Act. The workman was given opportunity to defend in the enquiry. However he did not avail the opportunity. The punishment is not excessive. It was awarded in terms of the Bipartite Settlement.

5. In the light of the above contentions the following points arise for consideration :

1. Are the findings sustainable?
2. Is the punishment proper?

The evidence consists of the oral testimony of MW1 and documentary evidence of Exts.M1 to M5 on the side of the management.

6. **Point No. 1:-** Ext.M4 is the charge sheet dated 26-3-2004. The allegations are that he remained absent continuously and without intimation for 65 days in 2001, 71 days in 2002 and 324 days in 2003. It is alleged to be a misconduct falling within Clause 19.5(p) of First Bipartite Settlement. The 2nd charge is that despite instruction to be regular in service and notice to report for duty, he did not obey and it amounts to willful insubordination or disobedience of any lawful and reasonable order of the management falling within Clause 19.5(e) of the settlement. The 3rd charge is that he was unpunctual or irregular in attending duty which is a misconduct within Clause 19.7(b) of the settlement. Though no reply to memo of charge is seen produced, the contention in para 5 of the claim statement that the workman had submitted remarks on the charges, is not denied in the written statement. The contention of the claimant is that he has not committed the misconduct alleged in the memo of charges. It is admitted by the workman that he had remained absent sometimes due to sickness, but not continuously.

7. Therefore the relevant question is whether the workman had remained absent continuously and without intimation exceeding 30 days. It is not specified in the charge sheet Ext.M4 during which period of 2001 and 2002 that the workman had remained absent and whether the absence was continuous or intermittent. Only the total number of days of absence is mentioned. However in respect of absence during 2003 it is specified in the charge sheet that he was absent from 22-4-2003 to 22-12-2003 and again from 24-12-2003 till date of charge sheet on 26-6-2004. It is submitted by the learned counsel for the workman that whenever workman remained absent he had applied for leave with medical certificates. But the management had not sanctioned certain leaves. It is also submitted that he had never remained absent continuously exceeding 30 days without intimation. The learned counsel relies on the very document of the management to substantiate his contention. Ext.ME2 (in enquiry) is a letter of Chief Manager of the branch to the Assistant General Manager. It is mentioned that the

workman had joined Bakery Junction Branch on 30-7-2001. His leave particulars are:-

Casual Leave at credit - Nil

Sick Leave - 469 HP availed

PL at credit - 56

He had encashed 30 days P. L. on 22-8-2001

He has absented in 2001 for 39 days from 31-7-2001 to 31-12-2001.

The reason for leave as per Ext.ME2 is sickness for 32 days. It is further mentioned that in 2002 he had availed 77 days' leave altogether including 12 days' casual leave and 60 days on medical grounds. In 2003 he was absent for 63 days till 31-3-2003 on sick grounds. He went on unauthorised absence once again from 1-4-2003 to 20-4-2003 and rejoined on 21-4-2003 producing a medical certificate and a fitness certificate. From 22-4-2003 he was again absent till date. This is the report of Chief Manager to A.G.M. The very letter reveals that during 2001, 2002 and 2003 till 22-4-2003 he had applied for leave with necessary medical certificates and fitness certificates. But the date of submission of leave applications by the workman is not known as those leave application are not produced by the management. The leave register is also not produced by the management to know the dates. Ext.ME-3 is another letter of Branch Manager to AGM dated 2-7-2003 which reveals that he had joined duty on 21-4-2003. But on the next day he remained absent. Though the workman did not participate in the enquiry and the enquiry proceeded ex-parte the very document of the management itself is indicative of the fact that the workman had applied for leave. The leaves were not granted either because there were no leaves at credit or because of some other reasons. But the management cannot say that the absence was without intimation or unauthorised. As per clause 19.5 (p) of 6th Bipartite Settlement dated 14-2-1995 "remaining unauthorisedly absent without intimation continuously for a period exceeding 30 days" alone is gross misconduct. If there was intimation even if the absence was continuous and exceeding 30 days the provision aforementioned will not apply. PW3 the Branch Manager for the period from 23-8-2003 had deposed in the enquiry that the workman had applied for leave with medical certificate on 23-12-2003 for his absence from 22-4-2003 to 22-12-2003 and was present only on 23-12-2003 for one day and thereafter remained absent till 22-6-2004. The memo of charges was issued on 26-3-2004. It is mentioned in the charge that from 24-12-2003 till the date of charge sheet he had remained absent continuously and without intimation. That period exceeds 30 days. The workman has not produced a copy of leave application for that period either before the Enquiry Officer or before this court. There is no evidence to show that he had submitted or sent leave application to the

management for the period from 24-12-2003 to the date of memo of charge Ext.M4 dated 26-3-2004. Ext.ME-1 is the Attendance Register for the period from 16-1-2001 to 18-6-2004. It shows that during the above period he remained absent continuously till 18-6-2004. Thus this period of absence is without intimation and unauthorised. This is a gross misconduct falling within Clause 19.5 (p) of the settlement. However the period prior to that cannot be termed as unauthorised or without intimation because as already mentioned the very report of the Chief Manager to AGM and the oral testimony of PW3 go to show that the workman had applied for leave and also produced medical certificates. Whether the leave is granted or refused is entirely different and cannot be characterised as unauthorised absence or absence without intimation. The findings of the Enquiry Officer to the extent of recording that the entire periods of absence mentioned in the charge sheet stand proved cannot be sustained. However the period after 24-12-2003 is clearly unauthorised and without intimation and continuous exceeding 30 days.

8. The workman was issued with a memo dated 3-12-2003 to report for duty within 10 days which is admitted by the workman in his claim statement, para-2. But he had not reported for duty accordingly. In para 3 he admits that he applied for leave only on 23-12-2003 in response to the memo of the management dated 3-12-2003 which is beyond the time given to him to report for duty (i.e. 10 days from 3-12-2003). Thus he had disobeyed the action of the management. The record reveal that the workman was not regular in attendance. On and off he was on leave which is bound to affect the smooth functioning of an office. Therefore the finding of the Enquiry Officer regarding misconduct of willful insubordination or disobedience and irregular attendance as well as unauthorised absence exceeding 30 days without intimation is only to be justified.

9. **Point No. 2:-** The misconduct proved includes one falling within Clause 19.5 (p) of 6th Bipartite Settlement. It is a gross misconduct and the punishment could be anyone of the punishments mentioned in Clause 19.6 (a) to (g) of the same settlement. The Disciplinary Authority has imposed the punishment under Clause 19.6 (b) and discharged the workman with superannuation benefits. It is admitted by the workman that he did remain absent during all the periods made mention in the charge sheet during 2001, 2002 and 2003 and thereafter. But according to him it is not unauthorised. Having found that the said contention of the workman cannot stand he is liable to be punished with one of the punishments mentioned in Clause 19.6 of the settlements. He has not only remained absent on many occasions but has not even shown interest in defending himself in the enquiry. He was given three chances by the Enquiry Officer by adjourning the enquiry. This can be seen from Exts.M1, M2, M3 and M5. His indifference to the duty continued even after issuance of

memo of charge sheet. It is needless to say that the management has been put to hardship in the absence of a Peon in the office and disabled to substitute anyone else due to intermittent and frequent absence. Considering the nature of the misconduct, the manner of availing the leave, I don't think that the Disciplinary Authority can be blamed for imposing the punishment of discharge. In the circumstances the penalty imposed cannot be said to be excessive or disproportionate.

The award will come into force one month after its publication in the official gazette.

Dictated to the Personal Assistant transcribed and typed by her corrected and passed by me on this the 17th day of December, 2009.

P. L. NORBERT, Presiding Officer

Appendix

Witness for the Workman

Nil

Witness for the Management

MW1 - 29-1-2009 - Sri. Sasidharan N.

Exhibits for the Workman

Nil

Exhibits for the Management

M1	-	Letter dated 26-5-2004 sent by N, Sasidharan, Manager (P&SB), SBT, Pattom Branch Trivandrum to the workman.
M1(a)	-	Acknowledgement Card.
M2.	-	Letter dated 4-6-2004 sent by N. Sasidharan, Manager (P&SB), SBT, Pattom Branch Trivandrum to the workman.
M2(a)	-	Acknowledgement Card.
M3.	-	Letter dated 16-6-2004 sent by N. Sasidharan, Manager (P&SB), SBT, Pattom Branch Trivandrum to the workman.
M3(a)	-	Acknowledgement Card.
M4	-	Enquiry File (Original).
M5.	-	Letter dated 28-6-2004 sent by N. Sasidharan, Enquiry Officer, Manager (P&SB), SBT, Pattom Branch, Trivandrum to the workman.

नई दिल्ली, 19 फरवरी, 2010

का.आ. 729.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टैण्डर्ड चार्टर्ड बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण 1, दिल्ली के पंचाट (संदर्भ संख्या 32/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-2-2010 को प्राप्त हुआ था।

[सं. एल-12012/252/2006-आई.आर.(बी-1)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 19th February, 2010

S.O. 729.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.32/2006) of the Central Government Industrial Tribunal-cum-Labour Court, No. 1, Delhi as shown in the Annexure in the Industrial Dispute between the management of Standard Chartered Bank and their workmen, received by the Central Government on 19-2-2010.

[No. L-12012/252/2006-IR (B-1)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE DR. R. K. YADAV, PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
NO. 1, KARKARDOOMA COURT COMPLEX, DELHI**

I.D. NO 32/2006

Shri Kishori Lal Gola s/o Shri Ram Bharose,
R/o 4/1, Bhogal Lane, Bhogal
New Delhi.

Workman

Versus

The Manager,
Standard Chartered Bank, Branch Office,
17, Parliament Street, New Delhi

Management

AWARD

Kishori Lal Gola was serving at Parliament Street branch of the Standard Chartered Bank, when he was placed under suspension and a charge sheet was served on him. The workman claims that he was appointed as Electrician. However, it has not been disputed that at the time of his suspension he was serving in "dak section" of the bank. Charges were levelled against him to the effect

that he received letters containing credit cards of Shri Tushar Saboth Nane and Kalyan Palit. He took out their credit cards and misused it. He was proceeded departmentally and a finding was recorded against him by the Enquiry Officer. Show cause notice was served upon him, calling upon him as to why punishment of dismissal from service should not be awarded. After hearing him, he was awarded a punishment of dismissal, against which punishment an appeal was preferred. When his appeal came to be dismissed, he raised an industrial dispute before the Conciliation Officer. On failure of the conciliation proceedings, appropriate Government referred the dispute to this Tribunal for adjudication, vide order No. L-12012/252/2006-IR (B-1), New Delhi, dated 1-8-2006 with the following terms :—

“Whether the action of the management of Standard Chartered Bank in imposing the penalty of termination of services of Shri K. L. Gola w.e.f. 25-5-99 is legal and justified? If not what relief he is entitled to?”

2. Claim statement was filed by the workman wherein he raised his eyebrows against action of the bank. It was agitated that he was harassed and victimized by the bank authorities. He claimed that charges framed against him were false, frivolous and fabricated. With ulterior motive he was framed by the management. He was forced to sign certain blank papers. His services were illegally terminated. He sought relief of reinstatement.

3. Management presents that the claimant was performing duties of receipt and dispatch of "dak". In that capacity he used to open envelopes and record its contents in a register. He opened envelope containing credit cards of Tushar Subodh Nene and Kalyan Palit. He misused their credit cards and made withdrawal of money from automatic teller machines. He dishonestly misappropriated a sum of Rs. 301000. When those acts came to the notice of the bank, he was suspended and charge sheeted. An enquiry was held. Enquiry Officer submitted his findings dated 13-4-99. The Disciplinary Authority considered those charges, report of the Enquiry Officer and gave show cause notice to the claimant, calling upon him as to why punishment of dismissal should not be awarded to him. After hearing him, punishment of dismissal was awarded to the claimant. It has been submitted that claim put forward by the workman is devoid of merits.

4. Out of pleadings of the parties following issues were settled.

1. Whether the enquiry conducted by the management was fair and proper?

2. As in terms of reference.

3. Relief.

5. Issue No. 1 was treated as preliminary issue, which was adjudicated against the management vide order dated

10-2-2010. When enquiry found to be defective, the matter was adjourned twice, on which dates the management opted not to request this Tribunal to permit it to lead evidence for proof of misconduct of the workman. In written statement too, it was not pleaded that in the event of enquiry found to be defective the management may be permitted to lead evidence to prove misconduct of the workman.

6. Parties were called upon to advance arguments on merits. Workman raised his submissions in person. Shri Gyanvardhan for Shri Sanjay Gupta, authorised representative, advanced arguments on behalf of the management. I have given my careful considerations to the arguments advanced at the bar and cautiously perused the record. My finding on the issues involved in the controversy are as follows :

Issue No. 2

7. When enquiry conducted by the management is found to be defective, the Tribunal can exercise jurisdiction of granting permission to the employer to lead evidence to prove misconduct of the workman and to show that the order of punishment is in proportion to the misconduct committed by the employee. Question for consideration comes as to whether an obligation is fastened to the Tribunal to call upon the employer suo motu to prove misconduct of the workman. Such proposition was raised before the Apex Court in *Shambhu Nath Goyal* [1983 (II) LLJ 145]. The Apex Court ruled that if the enquiry is found defective, the Tribunal will have to give the employer an opportunity to produce additional evidence and also give a similar opportunity to the employee to lead evidence contra, in case request to adduce evidence had been made by the management to the Tribunal during the course of the proceedings and before the trial comes to an end. The Court ordained that in the absence of pleadings in written statement to the effect that the employer wants to prove misconduct of the workman by adducing evidence or want of request during the pendency of the proceeding, no situation arises for the Tribunal to advise the employer to lead evidence for proof of misconduct of the workman. Reference can also be made to the decision of the Apex Court in *Lakshmidewamma* [2001 (2) LLJ 199]. In view of the law laid by the Apex Court, the Tribunal is duty bound to accord opportunity to the management to lead evidence to prove misconduct of the workman, if such a request is made either in the pleadings or during the course of proceedings and not otherwise.

8. Neither in its written statement nor during the course of proceedings any request was made by the management to allow it to lead evidence to prove misconduct of the workman, when enquiry was found to be defective. When no such request was made, the Tribunal cannot accord such an opportunity to the management suo motu, after concluding that the enquiry against the workman was defective.

9. The enquiry conducted against the workman was found not to be in consonance with the principles of natural justice. Therefore, the enquiry report and orders passed by the Disciplinary Authority as well as Appellate Authority are non est. The order of punishment awarded by the Disciplinary Authority and its confirmation by the Appellate Authority loses its efficacy. The action of the management in terminating the services of the workman can neither be termed legal nor justified. The issue is, therefore, answered in favour of the workman and against the management.

Relief

10. It is well settled that in a case of wrongful termination, dismissal or discharge, the normal rule is to award reinstatement. But where a case falls in any of the exception to general rule, the industrial adjudicator has discretion to award reasonable and adequate compensation, in lieu of re-instatement. Section 11A of the Act vests the industrial adjudicator with discretionary jurisdiction to give "such other relief to the workman" in lieu of discharge or dismissal as the circumstances of the case may require, where for some valid reasons it considers that reinstatement with or without conditions will not be fair or proper.

11. Termination of services of Shri Kishori Lal Gola is held to be wrongful. The management has not been able to show that relief of reinstatement is unwarranted. It was agitated that he was gainfully employed, after termination of his services. Workman admits in his testimony that an ancestral shop of "chhole bhatoore" is being run in his family. Though he tried to assert that he is gainfully employed, after termination of his services, yet he could not dispel that the ancestral shop was never managed by him. Consequently it is emerging over the record that the workman used to manage his ancestral shop of "chhole bhatoore". Theory of his non employment after his termination nowhere stand established. Therefore, the workman is not entitled for full wages during the period of his termination till the date of his reinstatement.

12. What are the standards to fix his wages during the period, after termination of his services till the date of his reinstatement. No definite yardstick for measuring the quantum of wages is available. In *S. S. Shetty* [1957 (II) LLJ 696] the Apex Court indicated some relevant factors which an adjudicator has to take into account in computing compensation in lieu of reinstatement, in the following words:

"The Industrial Tribunal would have to take into account the terms and conditions of employment, the tenure of service, the possibility of termination of the employment at the instance of either party, the possibility of retrenchment by the employer or resignation or retirement

by the workman and even of the employer himself ceasing to exist or of the workman being awarded various benefits including reinstatement under the terms of future awards by industrial Tribunal in the event of industrial disputes arising between the parties in future.....In computing the money value of the benefits of reinstatement, the industrial adjudicator would also have to take into account the present value of what his salary, benefits etc. would be till he attained the age of superannuation and the value of such benefits would have to be computed as from the date when such reinstatement was ordered under the terms of the award.

Having regard to the consideration detailed above, it is impossible to compute the money value of this benefit of reinstatement awarded to the appellant with mathematical exactitude and the best that any tribunal or court would do under the circumstances would be to make as correct an estimate as is possible bearing, of course in mind all the relevant factors pro and con".

13. A division bench of the Patna High Court in *B. Choudhary Vs. Presiding Officer, Labour Court, Jamshedpur* (1983) Lab. I..1755 (1758) deduced certain guidelines which have to be borne in mind in determining the quantum of compensation viz. (i) the back wages receivable; (ii) compensation for deprivation of the job with future prospect and obtainability of alternative employment; (iii) employee's age; (iv) length of service in the establishment; (v) capacity of the employer to pay and the nature of the employer's business; (vi) gainful employment in mitigation of damages and (viii) circumstances leading to the disengagement and the past conduct. These factors are only illustrative and not exhaustive. In addition to the amount of compensation, it is also within the jurisdiction of the Tribunal to award interest on the amount determined as compensation. Furthermore, the rate of such interest is also in the discretion of the Tribunal. Reference can be made to *Tabesh Process, Shivakashi* (1989 Lab. I. C. 1887).

14. In *Assam Oil Co. Ltd.* [1960 (1) LLJ 587] the Apex Court took into account countervailing facts that the employer had paid certain sums to the workmen and her own earning in the alternative employment and ordered that "it would be fair and just to direct the appellant a substantial sum as compensation to her". In *Utkal Machinery Ltd.* [1966 (1) LLJ 398] the amount of compensation equivalent to two year salary of the employee awarded by the industrial Tribunal was reduced by the Supreme Court to an amount equivalent to one year salary of the employee in view of the fact that she had been in service with the employer only for 5 months and also took into consideration the unusual manner of her appointment at the instance of the Chief Minister of the State. In *A. K. Roy* [1970 (1) LLJ 228] compensation equivalent to two

years salary last drawn by the workmen was held to be fair and proper to meet the ends of justice. In *Anil Kumar Chakarabarty* [1962 (11) LLJ 483] the Court converted the award of reinstatement into compensation of a sum of Rs.50000 as just and fair compensation in full satisfaction of all his claims for wrongful dismissal from service. In *O.P Bhandari* [1986 (11) LLJ 509], the Apex Court observed that it was a fit case for grant of compensation in view of reinstatement. The Court awarded compensation equivalent to 3.33 years salary as reasonable. In *M. K. Aggarwal* (1988 Lab. I. C. 380), the Apex Court though confirmed the order of reinstatement yet restricted the back salary to 50% of what would otherwise be payable to the employee. In *Yashveer Singh* (1993 Lab. I. C. 44) the court directed payment of Rs. 75000 in view of reinstatement with back wages. In *Naval Kishor* [1984 (11) LLJ 473] the Apex Court observed that in view of the special circumstances of the case adequate compensation would be in the interest of the appellant. A sum of Rs. 2 lac was awarded as compensation in lieu of reinstatement. In *Sant Raj* [1985 (11) LLJ 19] a sum of Rs.2 lac was awarded as compensation in lieu of reinstatement. In *Chandu Lal* [1985 Lab. I. C. 12225] a compensation of Rs.2 lac by way of back wages in lieu of reinstatement was awarded. In *Ras Bihari* (1988 Lab. I. C. 107) a compensation of Rs. 65000 was granted in lieu of reinstatement, since the employee was gainfully employed elsewhere. In *V. V. Rao* (1991 Lab. I. C. 1650) a compensation of Rs. 2.50 lac was awarded in lieu of reinstatement.

15. In view of above propositions, case of the workman is to be considered. As detailed above punishment of dismissal of services of the workman was found to be illegal. In that situation he is entitled for reinstatement. However, the workman could not show that he remained unemployed after his termination till date. It came over the record that he managed his ancestral shop during that period. What were his earnings, in maintaining that shop is a proposition which has not been crystallized. Therefore, it is not a case of complete denial of back wages. Considering all these aspects that the workman had been managing his family shop, it is thought expedient that the management be called upon to pay 25% of his wages from the date of his termination till the date of his reinstatement. Hence it is summed up that the claimant is entitled for relief of reinstatement with continuity and 25% of his back wages from the date of his termination till the date of reinstatement, with other consequential benefits without any loss of his seniority. Award is accordingly passed. It be sent to appropriate Government for publication.

Dated: 16-2-2010

DR. R. K. YADAV, Presiding Officer

नई दिल्ली, 16 फरवरी, 2010

का.आ. 730.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स नैसिल के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सी.जी.आई.टी., चेन्नई के पंचाट (संदर्भ संख्या 22/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-2-2010 को प्राप्त हुआ था।

[सं. एल-11012/5/2008-आई.आर.(सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 16th February, 2010

S. O. 730.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 22/2008) of the Central Government Industrial Tribunal/Labour Court CGIT, Chennai now as shown in the annexure in Industrial Dispute between the employers in relation to the management of M/s. NACIL and their workman, which was received by the Central Government on 16-2-2010.

[No. L-11012/5/2008-IR(C-1)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
CHENNAI

Tuesday, the 9th February, 2010

Present : A. N. Janardanan, Presiding Officer

Industrial Dispute No. 22/2008

[In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Air India Ltd. and their Workman]

BETWEEN

Sri T. C. Sekar : 1st Party/Petitioner

And

The Manager
Air India
Chennai

: 2nd Party/Respondent

APPEARANCE

For the Petitioner : M/s S. Vaidyanathan

For the Management : M/s N. G. R. Prasad

AWARD

The Central Government, Ministry of Labour vide its Order No. L-11012/5/2008-[IR(CM-)] dated 28-04-2008 referred the following Industrial Dispute to this Tribunal for adjudication :

The schedule mentioned in the order is:

“Whether the action of the Management of Air India Ltd., Chennai (now NACIL) in dismissing Sri T.C. Sekar, Asstt. Officer-Security from the service w.e.f. 25-03-2003 is justified and legal? To what relief the concerned workmen entitled?”

2. After the receipt of the Industrial Dispute, this Tribunal has numbered it as ID 22/2008 and issued notices to both sides. The petitioner appeared through his Advocate and filed Claim Statement and on the other hand even after two notices the Respondent did not appear and he was set ex-parte on 23-06-2008.

3. The petitioner in his Claim Statement stated as follows :

The petitioner joined Air India as Security Guard on 11-05-1983 and in view of his sincere work he was given out of turn promotion as Sr. Security Guard and subsequently as Security Inspector and then as Sr. Security Inspector and lastly as Asstt. Officer (Security) in the year 1999. The petitioner has served nearly 20 years in an unblemished record. While so, he was served with a Charge Sheet dated 12-12-2001 for certain alleged charges framed against him in terms of Certified Standing Orders. An enquiry was conducted against him. In the enquiry, the Enquiry Officer found him guilty of charges and the Disciplinary Authority passed final orders on 25-03-2003 dismissing him from service. After passing of the order, the Management preferred a petition before the National Industrial Tribunal, Mumbai for approval of its action on 25-03-2006 i.e. after 3 years an order was passed by the Tribunal in the application filed by the Management for withdrawing the said Approval Application but the Tribunal rejected the application and the matter was posted for hearing on 19-01-2007. But, subsequently the Air India Management took a similar plea and prayed for the disposal of Approval Application as infructuous/non-est due to recent judgment of the High Court, Mumbai dated 17-04-2007. After that the National Tribunal accepted the plea of the Management and disposed of the Approval Application accordingly, but permitted in petitioner to raise an Industrial Dispute under Section-10 of the ID Act. Hence, the petitioner raised the dispute challenging the wrongful termination. On the material date in question, just before midnight a passenger bound for Flight SQ-409 was apprehended by Air-Intelligence Unit, Customs Officials for carrying contraband goods in the form of around 440 Star Tortoises inasmuch as the petitioner was on duty on that day alongwith others. Hence, the Sr. Manager (Security) issued a memo dated 16-07-2001 suspecting that the petitioner only cleared the said baggage reportedly containing the contraband goods with malafide intention, though, the petitioner sought permission to break off duty at 2000 hrs. on that day. Even though the petitioner denied the allegation, the Enquiry Committee appointed by the Competent authority commenced the proceedings on 24-04-2002 and concluded

the same on 09-07-2002. The whole process of Enquiry Committee is not based on evidence on record. The bundle of contradictions both in timings and the narration of events on the date of incident brought out by various witnesses and the Enquiry Committee has not analyzed and failed to analyze the deposition of Management witnesses and documentary evidences in the proper perspective and rendering a perverse finding. Without seeing the infirmities the Enquiry Committee in a routine manner proposed a punishment of dismissal. The Enquiry Committee has also not considered the sincere service, Devotion and performance of the petitioner highlighted by the records. Even though there are clear evidences to show that Mr. Vijay Anand and Mr. Sainath also were in the X-ray machine during the material time in question, the Enquiry Committee has failed in his duties to thoroughly analyze the above aspects but held him guilty purely on surmises and suspicions. Therefore, there is a clear discrimination on the part of the Management not only from the stage of initiating of Disciplinary Proceedings but also in the examination of witnesses by the Enquiry Committee. The final order was passed on perverse finding of the Enquiry Committee. Hence, for all these reasons the Petitioner prays that the action of the Management, Air India in dismissing him from service w.e.f. 06.06.2003 pursuant to the order dated 25.03.2003 is illegal and consequently he prays this Tribunal to reinstate him in service with backwages, continuity of service and consequential relief.

4. Originally as per ex-parte award dated 11-07-2008, the petitioner was ordered to be reinstated with back wages and other attendant benefits. In a writ petition before the High Court of Madras as W. P. No. 22523/2008 on 04-08-2009 it was directed to adjudicate the dispute after affording sufficient opportunities to the parties. Pursuant to notice, both sides entered appearance. The Respondent filed a Counter Statement.

5. The averments therein briefly read as follows:

The petitioner appointed as a Security Guard on 11-05-1983, promoted as Senior Security Guard in 1988 as Junior Security Asstt. in 1990, again promoted as Asstt. Officer (Security), was drawing a salary of Rs. 22,843.99 on 25-03-2003, at the time of his dismissal from service. The Security Department is a sensitive one requiring absolute integrity and high devotion to duty. He was expected to discharge his duties with care and responsibility. On 13-07-2001, he was rostered for duty in the first shift from 0600 hrs. to 1430 hrs. at the baggage reconciliation system and flight handling which includes baggage, X Ray scanning at the Chennai Airport. The second shift was from 1430 hrs. to 2230 hrs, The Duty Manager, K.B. Das asked the petitioner to do overtime in the second shift. In the middle of the second shift the petitioner got permission from K.B. Das to leave at 0800 PM. In spite of this he overstayed for no reason disclosed even after getting into his plain clothes. Mr. Gallyot, Security was rostered for the second shift to carry out the baggage X-Ray for the

flight No. SQ-409 from Chennai to Singapore. Mr. Vijay Anand was substituted for him as Mr. Gallyot got permission from the Duty Manager to leave early. Mr. Vijay Anand rostered for the first shift was continuing in the second shift and opened the baggage X-Ray machine for the flight SQ-409 at 2000 hrs. He was relieved at 2030 hrs. as he was made to proceed to BRS Room and was there till 2120 hrs. The petitioner who had got permission to leave at 2000 hrs. stayed on and opened the X-Ray machine without authority from 2030 hrs. till 2155 hrs. in plain clothes. After that K.S. Sainath, Asstt. Officer (Security) came to the X-Ray machine straight at 2135 hrs. The petitioner still continued to operate the X-Ray machine till 2155 hrs. In the meanwhile Mr. Johnson, Security Inspector who was in BRS Room was called to operate the baggage X-Ray machine. In fact the petitioner opened the second scanner on his own accord without permission and cleared nearly 15-20 baggage for SQ-409. It was discovered while he was operating the X-Ray machine even after he had been relieved by the Duty Manager at 2000 hrs. a baggage carried by a passenger viz. Abdul Latif Ismail contained 440 live Star Tortoises and this allowed to go through the second X-Ray machine operated by the petitioner unauthorizedly. The passenger was caught red-handed by the customs officials in view of prohibition in terms of the Indian Wildlife Act. The petitioner was issued with a Show Cause Notice dated 16-07-2001 by Mr. S. L. Singh, Senior Manager (Security). On 20-07-2001 the petitioner gave explanation denying the charges. On 12-12-2001, a Charge Sheet-cum-suspension Order dated 12-12-2001 charging him with breach of law, rules and regulations and order under Clause-19(2)(xxiv) and Clause-19(2)(viii) of the Standing Orders. On 29-12-2001, the petitioner submitted an explanation. An enquiry committee under Captain S.K. Samy, Manager (Security) as convener with a member was constituted on 17-01-2002. MW1 to MW5 were examined and 23 exhibits were marked on the side of the Respondent. The petitioner did not examine any witnesses or got himself examined. But he cross-examined the management witnesses. He filed a written final statement on 22-07-2002. By the enquiry report dated 23-08-2002, the petitioner was found guilty of the charges. By an order dated 25-03-2003, he was dismissed from service. It was after considering his past record. He was paid 50% of the subsistence allowance. He did not demand for enhanced subsistence allowance. The enquiry conducted was fair and proper. There was no allegation of bias. After permission to leave at 2000 hrs. the petitioner in plain clothes operated X-Ray machine for the flight SQ-409 and also the second scanner unauthorized which *per se* is a clear case of indiscipline. While so, the petitioner allowed a baggage containing 440 Live Star Tortoises to pass through X-Ray machine. Hence there was breach of duty and law under Standing Orders. His claim that live star tortoises cannot be identified easily was disproved by the evidence of MW4 and MW5. It is a self-serving statement. It was at a time when he was not

expected to be on duty. There is no delay in issuing Charge Sheet. He has not shown how he is prejudiced by any delay. Final order can be issued by a Senior Manager to a person of petitioner's rank. Grievance of the petitioner to that score is baseless. For the reason that Goswami, Convener of the Enquiry Committee had received a letter dated 8-10-2001 from the Dy. Commissioner of Customs regarding the incident would not disqualify him. He was also from the department to which the delinquent belongs as provided under the Standing Orders. No prejudice is shown caused to the petitioner. Mr. Sainath is not a material witness. Even without his statement, the charges are proved. The petitioner also could have examined him. The petitioner's retiral benefits have been paid. The punishment is proper and adequate for the serious charge. The employees of the Respondent gain access to the sensitive areas of the Airport for duties. Airline reposes confidence on them. Any breach of duty may lead to disastrous consequences. Dedication and high integrity are expected from Security Staff. The petitioner committed grave misconduct. The Respondent lost confidence on him. He cannot be had back in service. There are no merits in the dispute. The claim may be dismissed.

6. On the side of the petitioner Ex.W1 to Ex.W54 were marked and on the side of the Respondent Ex.M1 to Ex.M34 were marked, all on consent subject to relevancy and on the condition of petitioner withdrawing Proof Affidavit of WW1 initially filed to which effect the petitioner's counsel made an endorsement on the Proof Affidavit. No oral evidence was adduced on either side.

7. Point for determination are:

- (i) Whether the action of the Respondent Management in dismissing the petitioner is justified and legal?
- (ii) To what relief the petitioner is entitled to?

Point No. 1 and 2

8. Heard both sides, perused the documents and records. The crux of the arguments advanced by the learned counsel for the petitioner is that even while the enquiry may not be much for challenge the finding is assailed as perverse. While it is so, the Tribunal is vested with the power to interfere with the punishment imposed. He would argue that the petitioner while was on overtime duty was discharging his function after changing over from uniform to plain clothes under permission obtained from Duty Manager, K.B. Das. He would point out that the petitioner cannot be accused of abetting or aiding in the smuggling of 440 star tortoises. The petitioner was on authorized duty from 0200 PM to 1000 PM. Thereafter Sainath was to be on duty from 1000 PM to 0600 AM. According to him, the possibility of Sainath abetting or aiding the smuggling of the tortoises cannot be ruled out. He further pointed out that the petitioner was on overtime duty as proved from

Ex.W8 whereas according to the Respondent the petitioner was not on duty. The further case of the Respondent is that the petitioner was on break-of duty from 0800 PM. Gallyot, another Security Officer on duty took permission and left. The finding is sought to be assailed as perverse on behalf of the petitioner in that the finding is contradictory to the evidence. The learned counsel for the petitioner pointed out a discrepancy in the version of Duty Manager, K.B. Das regarding the time of arrival of Sainath for duty. In the Chief Examination while it was stated as 1000 PM but in cross-examination it is stated as 0930 PM. At 2030 hrs. Vijay Anand handed over charge to petitioner and at 2155 PM Sekar handed over charge to Johnson. The petitioner was working on permission. There is no evidence to show that the petitioner availed break-of duty. The learned counsel for the petitioner continued to argue that operating X-Ray machine in civil dress has also been a practice. The diary entries are not there regarding according of permission to the petitioner or to Gallyot to break-off from duty. The learned counsel for the petitioner would canvass for the contention that after the petitioner departed the smuggling was abetted or aided to be perpetrated. According to him the petitioner is made a scapegoat. Further it is contended on behalf of the petitioner that the disciplinary action was launched on the basis of an anonymous letter aimed at elimination from service of the petitioner, an honest officer who stood awarded with many awards, rewards and commendation certificates vouchsafing his excellence, sincerity, devotion, honesty etc. in the performance of his duty. According to the learned counsel for the petitioner, the charges are not established with any evidence much less legal evidence. It is based on assumptions, surmises, presumptions and suspicions that the petitioner has been found guilty. There was overtime duty till 1030 PM to the petitioner as proved from Ex.M23 but the Enquiry Officer's finding that the petitioner was attending to X-Ray duty un-authorizedly is a fallacy. There is no application of mind for the finding rendered. The finding is without application of mind or with application of perverted mind. From the evidence it cannot be fairly or legally held that the petitioner was responsible for the passing of the contraband goods in the X-Ray machine. While according to Vijay Anand and Sainath, it is possible to detect live tortoises in scanning through the X-Ray according to the petitioner it is difficult. Further according to the learned counsel for the petitioner initially it was Sainath and Vijay Anand together with the petitioner who were summoned for preliminary investigation. The petitioner has been woefully discriminated in proceeding against. Sainath has not been even examined as a witness. Though petitioner was near to X-Ray machine till 0935 PM and thereafter not near to the machine while Sainath was coming straightaway and operating the X-Ray machine. The learned counsel would sum up his arguments by further adding that the finding is based on surmises and *ipse dixit* of the Enquiry Officer and that

the charges do not stand proved. The learned counsel for the petitioner invited this Court's attention to the decision of the Supreme Court in *MAVJI C. LAKUM Vs. CENTRAL BANK OF INDIA* (2008-12-SCC-726) wherein the Apex Court held that *"even if the tribunal was of the view that domestic enquiry against the appellant was just and fair, yet this did not debar the tribunal from considering whether particular findings were supported by evidence and whether punishment was proportionate. The tribunal's interference with the punishment was within its powers under Section-11A of the ID Act."* To the same point is the decision of the Apex Court rendered in *RAJINDER KUMAR KINDRA Vs. DELHI ADMINISTRATION THROUGH SECRETARY (LABOUR) AND OTHERS* (1984-4-SCC-635).

9. The contentions advanced by the learned counsel for the Respondent are that on 13.07.2001, the date of the incident the petitioner while was on authorized duty till 0230 PM, he was asked to do second shift also till 1030 PM in the night. While so, the petitioner wanted to be relieved at 0800 PM in the night on permission on break-off duty. MWI K.B. Das, Duty Manager testified to that fact. There after there was no justification for the petitioner to stay over that too in civilian dress. He has had no any more business near the X-Ray machine. It is denied by Respondent that permission was given to petitioner to be in civilian dress if to be on duty. Gallyot, another Security Officer on duty was to be substituted by Vijay Anand since the former had been permitted to be on off duty, While Vijay Anand proceeded to BRS Room, the petitioner took over charge of X-Ray machine at 0935 PM. While so, Sainath came to attend third shift duty at 0930 PM. Then the petitioner was moving towards the second X-Ray machine of his own accord. It was in the meantime that there was report regarding smuggling of 440 star tortoises. The fact that the petitioner expressed difficulty in identifying the tortoises through the X-Ray scanning whereas other witnesses testified that they could well be identified is pointed out as another circumstance indicting petitioner with a mala fide intention in the contravention, The learned counsel for the Respondent summed up his arguments saying that the evidentiary circumstances go to establish that it is petitioner alone who is responsible for the passing of the contraband goods. What is logically probative a material to a prudent mind is admissible and is relevant may lead to the finding of fact. It is also pointed out that the punishment imposed is only to be upheld. The Respondent/Management lost confidence in the petitioner.

10. The learned counsel for the petitioner further invited this Court's attention to the decision of High Court of Gauhati in *WORKMEN OF TANGANAGAON TEA ESTATE Vs. MANAGEMENT OF TANGANAGAON TEA ESTATE AND OTHERS* (1979-II-LLJ-491) where the Hon'ble High Court held that *"validity of evidence recorded in enquiry found to be vitiated cannot be relied*

on; it is a fundamental principle of justice that punishment should be commensurate with the guilt; a judge ought always to have equity before his eyes; Regarding antecedents unless the workmen was earlier punished after disciplinary enquiry no inference of guilt could be normally drawn."

11. The learned counsel for the Respondent invited this Court's attention to the decision of the Supreme Court in *KAMAL KISHORE LAKSHMAN Vs. MANAGEMENT OF M/s. PAN AMERICAN WORLD AIRWAYS INC. AND OTHERS* (1987-I-SCC-146) where the Apex Court held that *"termination of service of an employee grounded on allegation of loss of confidence amounts to a stigma. It is not a retrenchment within the meaning of Section-2 of the ID Act".* In a decision of the Madras High Court in *S. DHARMARAJ Vs. CHAIRMAN AND DISCIPLINARY AUTHORITY, PANDYAN GRAMA BANK, VIRUDHANAGAR AND ANOTHER* (2007-2-LLM-518) it is held that *"even if some procedural, trivial formalities had not been followed in the enquiry, and thereafter, unless the petitioner could show that substantial prejudice had been caused to him, his claims could not be sustained".* The Respondent's counsel further relied on the decision in *V. MARIMUTHU Vs. R. RAMACHANDRAN, BRANCH MANAGER, SYNDICATE BANK, VELIPALAYAM NAGAPATTINAM AND OTHERS* (2009-4-MLJ-962) wherein it is held that *"in a disciplinary enquiry charge can be said to have been proved on the basis of preponderance of probabilities, Therefore, proof beyond reasonable doubt which is required in criminal trial is not necessary"*,

"The proof of a case does not depend upon the number of witnesses and if there are few contradictions, the same cannot have any effect on the findings because technical rules regarding sufficiency of evidence are not applicable to the disciplinary proceedings",

"Non-examination of certain witnesses and non-production of documents referred to by the appellant would not be of much materiality, as no relevance was placed on such evidence by enquiry authorities".

Another decision of the Apex Court in *DEPOT MANAGER, A. P. SRTC Vs. B. SWAMY* (2007-12-SCC-40) where it was held that *"if the conductor is dishonest in the performance of his duties, he is guilty of serious misconduct and the gravity of the misconduct cannot be minimized by the fact that he was not earlier caught indulging in such dishonest conduct"*.

In the decision of *UTTAR PRADESH STATE TEXTILE CORPORATION LTD. Vs. P.C. CHATURVEDI AND OTHERS* (2005-4-LLN-979), the Apex Court held that *"unless prejudice is shown and established, mere non-payment of subsistence allowance cannot ipso facto be a ground to vitiate the proceedings in every case"*,

In the case of TULSA AND OTHERS Vs. DURGHATIYA AND OTHERS (2008-4-SCC-520) the Apex Court held that *"in a domestic enquiry all materials which are logically probative including hearsay evidence can be acted upon provided it has a reasonable nexus and credibility; circumstantial evidence despite lack of any direct evidence was sufficient to hold the delinquent guilty of misconduct and justify the order of termination that had been passed"*.

In another decision relied on by the Respondent viz. UNION OF INDIA AND OTHERS VS. REGISTRAR, CENTRAL ADMINISTRATIVE TRIBUNAL, CHENNAI AND ANOTHER (2002-11LJ-941), the High Court of Madras held that *"a person who was guilty could not be allowed to go scotfree merely because some others who were guilty were not proceeded against; so long as there was some evidence before the Enquiry Officer, it was for the Enquiry Officer to decide whether to believe or not to believe the deposition of witnesses. That discretion could not be taken away by the Tribunal functioning as a Court of Appeal and merely characterizing the evidence accepted by the Enquiry Officer as no evidence"*.

12. On a consideration of the facts and circumstances, I am led to the conclusion that though no direct evidence in the true sense of the term is forthcoming against the petitioner, there is circumstantial evidence pointing to the fact that the petitioner has been guilty in allowing to pass the star tortoises through the X-Ray machine so as to aid or abet the commission of smuggling of the contraband articles. The finding of fact as to this rendered by the enquiry committee cannot be held to be perverse or tainted in any manner so as to discard the same as not true or unreliable. The degree of proof required in domestic enquiry is of the nature of preponderance of probabilities. Any material which is logically probative to a prudent mind is reliable and could be acted upon to arrive at valid conclusions. There is no allergy even to hearsay evidence provided there is rational nexus and credibility. The enquiry initiated and held against the petitioner cannot be found to be under any bias victimization or unfair labour practice emanating from the Disciplinary Authority towards the petitioner. There is no reason at all to adopt such a view against the disciplinary authority. The enquiry conducted was to pinpoint the real culprit. To that end based on the materials on record in the enquiry the Enquiry Officer has arrived at the conclusion that the petitioner is the guilty. The finding is not based on mere surmises or *ipse dixit*. Discernibly it is a conclusion reached on logical transition of thought of the Enquiry Officer consistent with the circumstances and coincidental to the sequence of events as discussed in the report. Minor contradictions cannot be considered as material invariably in all cases. Each adjudicating body has to give allowances for marginal discrepancies in the matter of appreciation of evidence in order to arrive at the truth of a

disputed fact. When a decision is to rest on circumstantial evidence the quality of such evidence also need to be only of such a nature as is logically probative to a prudent mind to arrive at the conclusion he is led to hold. Therefore, it is only to be held that the enquiry and the finding are fair, proper and legal. Same is the case with the punishment too. It does not call for interference at the instance of this Tribunal. Hence, the dismissal of the petitioner from service is only legal and justifiable. The petitioner is not entitled to any relief.

13. The reference is answered accordingly.

(Dictated to the PA transcribed and typed by him, corrected and pronounced by me in the open court on this day the 9th February, 2010).

A. N. JANARDANAN, Presiding Officer

Witnesses Examined :

For the 1st Party/Petitioner: None

For the 1st Party/Petitioner: None

Documents Marked from the Petitioner's side

Ex. No.	Date	Description
Ex.W 1	16-7-2001	Memo (Ex.M10)
Ex.W 2	12-12-2001	Charge Sheet
Ex.W 3	24-7-2001	Copy of letter No. MAA/02.08/816(EXM17)
Ex.W 4	24-7-2001	Reply of Mr. Sainath (Ex.M18)
Ex.W 5	13-2-2004	Captain S. K. Goswamy disposal before Tribunal
Ex.W 6	28-6-2002	Mr. Giriprasad's statement before Enquiry Committee
Ex.W 7	13-7-2001	Page No. 52, Station diary entry of X-ray
Ex.W 8	July, 2001	Overtime form of July, 2001 duly signed
Ex.W 9	July, 2001	Attendance Register July, 2001 (Ex.M5)
Ex.W 10	23-7-2001	Letter from Dy. Commissioner of Customs
Ex.W 11	24-7-2001	Reply letter of respondent No. MAA/02.11.819 (Ex. M20)
Ex.W 12	20-5-2001	Statement of Mr. K. B. Doss Asst. Manager (Security)
Ex.W 13	19-6-2002	Statement of Mr. S. L. Singh, Manager (Security)
Ex.W 14	4-7-2002	Statement of Mr. Johnson, Assistant (Security)
Ex.W 15	21-9-2005	Paper Cutting "The Hindu"
Ex.W 16	31-10-2007	Paper Cutting "The Hindu"
Ex.W 17	29-11-2007	Paper Cutting "The Hindu"
Ex.W 18	16-12-2002	Reply by the Petitioner

(1)	(2)	(3)
Ex.W 19	13-7-2001	Statement of Smuggler Mr. Ismail (Ex.M16)
Ex.W 20	13-7-2001	Copy of Mahazar (Ex. M15)
Ex.W 21	18-10-2001	Letter of the Commissioner of Customs (Ex. M23)
Ex.W 22	20-4-2001	Paper Cutting "The Hindu"
Ex.W 23	19-4-2001	Paper Cutting "Daily Thanthi"
Ex.W 24	—	Certified Standing Order of Air India for awarding punishment of Grade Code and competent authority
Ex.W 25	19-6-2007	Judgment of NIT, Mumbai
Ex.W 26	—	Extract of enquiry findings (Page No. 4 Para No. 1.3) by Inquiry Officer
Ex.W 27	15-4-1997	Reward of Rs. 10,000 from Commissioner, Customs
Ex.W 28	11-1-1983	Certificate of Commercial Tax for reliable, etc.
Ex.W 29	28-5-1985	Appreciation letter for detection of theft
Ex.W 30	21-3-1988	Non-participation during strike
Ex.W 31	8-8-1988	Appreciation letter for 125 gold bar seizure
Ex.W 32	14-6-1991	Commendation certificate for forged passport detection and for detection of fire arm
Ex.W 33	29-6-1994	Report against subordinate staff of theft
Ex.W 34	7-7-1994	Appreciation letter for under-weighment of cargo
Ex.W 35	6-11-1996	Detection of peacock feathers
Ex.W 36	21-1-97	Appreciation letter for under-weighment of cargo
Ex.W 37	22-2-1997	Appreciation letter for under-weighment of cargo
Ex.W 38	27-11-1998	Detection of excess baggage
Ex.W 39	3-2-2000	Appreciation letter for under-weighment of cargo
Ex.W 40	23-4-2001	Appreciation letter for under weighment of cargo
Ex.W 41	1-8-1998	Merit Award 1997-98
Ex.W 42	23-11-1997	Proceedings of the conciliation
Ex.W 43	20-12-1997	Proceedings of the conciliation
Ex.W 44	17-8-1994	Charge Sheet to K. Dhandapani
Ex.W 45	22-9-1994	Enquiry ordered against Dhandapani
Ex.W 46	23-11-1994	Enquiry proceeding against Dhandapani
Ex.W 47	27-11-1994	Deposition of T.C. Sekar in enquiry proceedings against Dhandapani
Ex.W 48	20-12-1994	Deposition of Dhandapani in the Domestic enquiry proceedings

(1)	(2)	(3)
Ex.W 49	17-6-1994	Free translation statement of Dhandapani marked Ex.G on 23-11-1994 in the domestic enquiry conducted against him
Ex.W 50	26-1-1999	Certificate of Appreciation for 15 years of loyal and dedicated service
Ex.W 51	24-8-2002	Paper Cutting "The Hindu"
Ex.W 52	9-8-2003	Paper Cutting "The Hindu"
Ex.W 53	18-8-2003	Paper Cutting "The Hindu"
Ex.W 54	23-8-2003	Paper Cutting "The Hindu"
On the Management's side :		
Ex.No.	Date	Description
(1)	(2)	(3)
Ex. M 1	16-7-2001	Memo issued to the petitioner (Ex. M10)
Ex. M 2	18-7-2001	Letter from Wildlife Warden to the Respondent (Ex. M14)
Ex. M 3	13-7-2001	Mahazar issued by Intelligence Unit of Customs
Ex. M 4	13-7-2001	Statement of Mr. Ismail (Smuggler) (Ex. M16)
Ex. M 5	18-7-2001	Letter from Senior Manager-Security to Wild Life Warden (Ex. M12)
Ex. M 6	19-7-2001	Letter from Asstt. Manager-Security to Senior Manager Security (Ex. M13)
Ex. M 7	20-7-2001	Explanation from the petitioner to the memo dated 16-7-2001
Ex. M 8	23-7-2001	Letter from Dy. Commissioner of Customs to the Manager-Security (Ex. M-19)
Ex. M 9	24-7-2001	Letter from Sr. Manager Security to Dy. Commissioner of Customs (Ex. M20)
Ex. M 10	24-7-2001	Letter from Sr. Manager Security to Sainath (Asstt. Officer Security) (Ex. M17)
Ex. M 11	24-7-2001	Statement of Sainath (Ex. M18)
Ex. M 12	31-7-2001	Letter from Superintendent of Customs to Sr. Manager Security (Ex. M21)
Ex. M 13	31-7-2001	Summons issued by Commissioner of Customs to the Petitioner (Ex. M23)
Ex. M 14	8-10-2001	Letter from Deputy Commissioner of Customs to Manager-Security (Ex. M23)
Ex. M 15	12-12-2001	Charge Sheet (Ex. M2)
Ex. M 16	29-12-2001	Explanation to the Charge Sheet (Ex. M3)

(1)	(2)	(3)
Ex.M17	Nov & Dec, 2001	Pay slips of the petitioner
Ex. M 18	17-1-2002	Office Order regarding the Enquiry Committee (Ex. M4)
Ex. M 19	24-4-2002 & 12-7-2002	Enquiry proceedings conducted against the petitioner (Page 1 to 30)
Ex. M 20	July, 2001	Attendance Register (Ex. M5)
Ex. M 21	July, 2001	Attendance Register (Ex. M5)
Ex. M 22	13-7-2001	Duty Allocation Register (Ex. M6) and (Ex. M7)
Ex. M 23	13-7-2001	Station Diary (Ex. M8)
Ex. M 24	23-8-2002	Letter from Enquiry Committee to Senior Manager-Security enclosing enquiry report
Ex. M 25	25-3-2003	Order of Dismissal
Ex. M 26	28-6-2007	Judgment in Approval Application No. NTB 19 of 2003
Ex. M 27	16-8-2007	2-A dispute
Ex. M 28	10-7-1996	Letter from Manager-Catering, Chennai to Southern Railway, Manager-Security regarding the unilateral decision taken by Mr. T. C. Sekar
Ex. M 29	13-7-1996	Warning letter from Vigilance and Security Division to the petitioner
Ex. M 30	22-4-1997	Circular from Director-HRD regarding the selection procedure for Merit Award
Ex. M 31	6-2-2001	Warning letter addressed to Mr. T. C. Sekar by Senior Manager-Security
Ex. M 32	21-7-2001	Letter from Security, Chennai to AGM-Security regarding the complaint of Mr. Dhandapani, Security Assistant
Ex. M 33	27-9-2001	Warning letter to the petitioner
Ex. M 34	31-7-2001	Summons under Section 108 of the Customs Act, 1962 to the petitioner.

नई दिल्ली, 19 फरवरी 2010

का.आ. 731.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं ई.सी.एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, असनसोल के पंचाट (संदर्भ संख्या 98/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-2-2010 को प्राप्त हुआ था।

[सं. एल.-22012/287/2007-आई आर (सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 19th February, 2010

S.O. 731.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 98/2007) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the industrial dispute between the management of M/s. Eastern Coalfields Limited and their workmen, received by the Central Government on 19-2-2010.

[No. L-22012/287/2007-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

PRESENT : Sri Manoranjan Pattnaik, Presiding Officer

Reference No. 98 of 2007

PARTIES : The Agent, Parascole Colliery of M/s. ECL
Kajoragram, Burdwan.

Vrs.

General Secretary, Koyla Mazdoor Congress, K.M.C.

REPRESENTATIVES

For the management : None

For the Union (Workman) : None

Industry : Coal State: West
Bengal

Dated the 18-11-2009.

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Government of India through the Ministry of Labour *vide* its letter No. L-22012/287/2007-IR(CM-II) dated 26-11-2007 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of M/s. ECL in dismissing Shri Lakhu Bouri, U.G. Loader w.e.f. 8-4-2003 is legal and justified? If not, to what relief is the workman is entitled?”

Having received the Order No. L-22012/287/2007-IR(CM-II) dated 26-11-2007 of the above said reference from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 98 of 2007 was registered on 6-12-2007 and accordingly

an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the Court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

The workman nor his authorized representative nor the Union raising this Industrial dispute ever filed statement of claim and did not make their appearance at all. The management too did not take any steps apparently finding the workman's no interest for redressal. As such there is reason to find that no dispute exists and the workman is entitled to no relief. Hence.

ORDERED

Let an "Award" be and same is passed as per above. Send the copies of the Award to the Government of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

MANORANJAN PATTNAIK, Presiding Officer

नई दिल्ली, 19 फरवरी 2010

का.आ. 732.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं ई.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, असनसोल के पंचाट (संदर्भ संख्या 17/2007) को प्रकटित करती है, जो केन्द्रीय सरकार को 19-2-2010 को प्राप्त हुआ था।

[सं. एल.-22012/185/2006-आई आर (सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 19th February, 2010

S.O. 732.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 17/2007) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the industrial dispute between the management of M/s. Eastern Coalfields Limited and their workmen, received by the Central Government on 19-2-2010.

[No. L-22012/185/2006-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

PRESENT : Sri Manoranjan Pattnaik, Presiding Officer

Reference No. 17 of 2007

PARTIES : The Agent, S. S. I. Unit of Ningah Colliery of
M/s. ECL, Ningah, Burdman.

Vrs.

General Secretary, Koyla Mazdoor Congress, K. M. C.

REPRESENTATIVES

For the management : Sri P. K. Goswami, Advocate

For the Union (Workman) : None

Industry : Coal State: West Bengal

Dated the 18-11-2009

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Government of India through the Ministry of Labour vide its letter No. L-22012/185/2006-IR(CM-II) dated 6-3-2007 has been pleased to refer the following dispute for adjudication by this Tribunal :

SCHEDULE

"Whether the action of the management of M/s. ECL in not rectifying the date of birth of Shri Islam Mian as 5-10-1954 is legal and justified? If not, to what relief is the workman entitled?"

Having received the Order No. L-22012/185/2006-IR(CM-II) dated 6-3-2007 of the above said reference from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 17 of 2007 was registered on 3-5-2007 and accordingly an order to that effect passed to issue notices through the registered post to the parties concerned directing them to appear in the Court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

The workman nor his authorized representative nor the Union raising this Industrial dispute ever filed statement of claim and did not make their appearance at all. The management too did not take any steps apparently finding the workman's no interest for redressal. As such there is reason to find that no dispute exists and the workman is entitled to no relief. Hence.

ORDERED

Let an "Award" be and same is passed as per above. Send the copies of the Award to the Government of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

MANORANJAN PATTNAIK, Presiding Officer

नई दिल्ली, 19 फरवरी, 2010

का.आ. 733.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा अनुसरण में, केन्द्रीय सरकार एवं मैसर्स ई.सी.एल.

के बंकोला क्षेत्र के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, असनसोल के पंचाट (संदर्भ संख्या 6/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-2-2010 को प्राप्त हुआ था।

[सं. एल.-22012/266/2007-आई आर (सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 19th February, 2010

S.O. 733.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 6/2009) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the industrial dispute between the management of Bankola Area of M/s. Eastern Coalfields Limited and their workman, received by the Central Government on 19-2-2010.

[No. L-22012/266/2007-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

PRESENT:

Sri Manoranjan Pattnaik, Presiding Officer

Reference No. 06 of 2009

PARTIES:

The Agent, Shankarpur Colliery of M/s. ECL, Ukhra,
Burdwan

Vrs.

General Secretary, UCMU (INTUC), Ukhra, Burdwan

REPRESENTATIVES

For the Management : None.

For the Union (Workman) : None.

Industry : Coal State : West Bengal

Dated the 19-11-2009

AWARD

In exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 19 of the Industrial Disputes Act, 1947 (14 of 1947), Govt. of India through the Ministry of Labour vide its letter No. L-22012/266/2007-IR(CM-II) dated 12-02-2009 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

"Whether the action of the management of M/s. ECL in deducting the quarterly bonus earlier paid, to Shri Mihir Pal for the injury period from June, 2002 to

December is legal and justified? To what relief is the workman concerned entitled?"

Having received the Order No. L-22012/266/2007-IR(CM-II) dated 12-02-2009 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi, for adjudication of the dispute, a reference case No. 06 of 2009 was registered on 23-2-2009 and, accordingly, an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witness in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

The workman nor his authorized representative nor the Union raising this Industrial dispute ever filed statement of claim and did not make their appearance at all. The management too did not take any steps apparently finding the workman's no interest for redressal. As such there is reason to find that no dispute exists and the workman is entitled to no relief. Hence.

ORDERED

Let an "Award" be and same is passed as per above. Send the copies of the Award to the Govt. of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

MANORANJAN PATTAIAK, Presiding Officer

नई दिल्ली, 19 फरवरी, 2010

का.आ. 734.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं ई.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, असनसोल के पंचाट (संदर्भ संख्या 134/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-2-2010 को प्राप्त हुआ था।

[सं. एल.-22012/51/2005-आई आर (सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 19th February, 2010

S.O. 734.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 134/2005) of the Central Government Industrial Tribunal-cum-Labour Court, ASANSOL as shown in the Annexure, in the industrial dispute between the management of Belbaid Colliery of M/s. ECL, and their workmen, received by the Central Government on 19-2-2010.

[No. L-22012/51/2005-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
ASANSOL

PRESENT :

Sri Manoranjan Pattnaik, Presiding Officer

Reference No. 134 of 2005

PARTIES :The Agent, Belbad Colliery of M/s. ECL, Toposi,
Burdwan

Vrs.

Bikash Bouri, Charanpur, Burdwan

REPRESENTATIVES

For the Management : None.

For the Union (Workman) : None.

Industry : Coal State : West Bengal

Dated the 19-11-2009.

AWARD

In exercise of powers conferred by clause (d) of sub-section(1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Govt. of India through the Ministry of Labour vide its letter No. L-22012/51/2005-IR(CM-II) dated 05-12-2005 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of M/s. ECL Beltiaid Colliery in dismissing Shri Bikash Bouri, U. G. Loader from service vide order dated 24/25-7-2003 is just, fair and legal? If not, to what relief is the entitled?”

Having received the Order No. L-22012/51/2005-IR(CM-II) dated 05-12-2005 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 134 of 2005 was registered on 23-12-2005 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

The workman nor his authorized representative nor the Union raising this Industrial dispute ever filed statement of claim and did not make their appearance at all.

The management too did not take any steps apparently finding the workman's no interest for redressal. As such there is reason to find that no dispute exists and the workman is entitled to no relief. Hence

ORDERED

Let an “Award” be and same is passed as per above. Send the copies of the Award to the Government of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

MANORANJAN PATTNAIK, Presiding Officer

नई दिल्ली, 19 फरवरी, 2010

का.आ. 735.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में मैसर्स इस्टर्न कोलफील्ड्स लिमिटेड के बंकोला क्षेत्र प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, असनसोल के पंचाट (संदर्भ संख्या 18/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-2-2010 को प्राप्त हुआ था।

[सं. एल.-22012/11/2009-आई आर (सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 19th February, 2010

S.O. 735.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 18/2009) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the industrial dispute between the management of M/s. Eastern Coalfields Limited and their workmen, received by the Central Government on 19-2-2010.

[No. L-22012/11/2009-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
ASANSOL

PRESENT : Sri Manoranjan Pattnaik, Presiding Officer

Reference No. 18 of 2009.

PARTIES : The Agent, Shankarpur Colliery, Bankola
Area of M/s. ECL, Ukhra, Burdwan

Vrs.

General Secretary, Koyla Mazdoor Congress,
K.M.C.**REPRESENTATIVES**

For the Management : None.

For the Union (Workman) : None.

Industry : Coal State : West Bengal

Dated the 18-11-2009

AWARD

In exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Government of India through the Ministry of Labour vide its letter No. L-22012/11/2009-IR(CM-II) dated 13-5-2009 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of M/s. ECL in dismissing Shri Mohan Kole, w.e.f. 8-7-2003 is legal and justified ? If not, to what relief is the workman concerned entitled ?”

Having received the Order No. L-22012/11/2009-IR(CM-II) dated 13-5-2009 of the above said reference from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 18 of 2009 was registered on 27-5-2009 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

The workman nor his authorized representative nor the Union raising this Industrial dispute ever filed statement of claim and did not make their appearance at all. The management too did not take any steps apparently finding the workman's no interest for redressal. As such there is reason to find that no dispute exists and the workman is entitled to no relief. Hence

ORDER

Let an “Award” be and same is passed as per above. Send the copies of the Award to the Government of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

MANORANJAN PATTNAIK, Presiding Officer

नई दिल्ली, 19 फरवरी, 2010

का.आ. 736.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा अनुसरण में, केन्द्रीय सरकार एवं मैसर्स ई.सी.एल.

के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, असनसोल के पंचाट (संदर्भ संख्या 41/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-2-2010 को प्राप्त हुआ था।

[सं. एल.-22012/234/2005-आई आर (सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 19th February, 2010

S.O. 736.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 41/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the industrial dispute between the management of M/s. Eastern Coalfields Limited and their workman, which was received by the Central Government on 19-2-2010.

[No. L-22012/234/2005-IR(CM-II)]
AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

PRESENT : Sri Manoranjan Pattnaik, Presiding Officer

Reference No. 41 of 2006

PARTIES: The Industrial Dispute between the
Management of Kunustoria Colliery of ECL.

Vrs.

Their Workman

REPRESENTATIVES

For the Management : P. K. Das, Advocate

For the Union (Workman) : Sri S. K. Pandey, Joint
Secretary, C.M.C.

Industry : Coal State : West Bengal

Dated the 9-2-2010

AWARD

In exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Government of India through the Ministry of Labour vide its letter No. L-22012/234/2005-IR(CM-II) dated 2-8-2006 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of Kunustoria Colliery of M/s. ECL in dismissing Sri Kesto Majhi, U. G. Loader from services w.e.f. 27-12-2003 is legal and justified? If not, to what relief is the workman entitled to?”

On receipt of the Order No. L-22012/234/2005-IR (CM-II) dated 2-8-2006 of the above mentioned reference from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 41 of 2006 was registered on 14-8-2006 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

In response to the notice issued by the Tribunal both the parties made their appearance through the Advocate and authorized representative of the workman respectively.

While the union filed the written statement the management preferred not to file any pleading. In the meantime petition was moved by the workman indicating that the dispute was mutually settled. Consequently industrial dispute exists no more. Award to the effect need be passed and hence it is ordered

ORDER

Let an award be and same is passed in terms of the above finding. Copy of the award be sent to the Ministry of Labour and Employment, Government of India, New Delhi.

MANORANJAN PATTNAIK, Presiding Officer